There follows now a preliminary memo on the problem prepared at my request by the American Council of Learned Societies:

"LANGUAGE PREPAREDNESS FOR NATIONAL SECURITY

"(A preliminary statement prepared by the American Council of Learned Societies, August 11, 1954)

"One of the aspects of a cold war is the constant danger of having one's opponent always prepared to take advantage of a local situation to further his own ends. For example, during the last 5 years Russian training centers have been producing graduates in Arab dialects spoken from Morocco to Indonesia. In this way, the Russians have produced persons capable of representing their government, and—even more important—their ideology, to millions of people. Meanwhile, America is incapable of waging this type of war for men's minds.

"This aspect of national defense has been woefully neglected. The newspapers the last few days have been headlining a crisis in Morocco. Who is competent either to report this situation accurately or to foresee developments vital to American interests? With the exception of the too few trained specialists, unable to work 24 hours a day for more than a few days at a time, there is no one.

"How can we best overtake the Russian lead in this race for the confidence and understanding of other peoples? Only by recognizing our weakness immediately and bracing ourselves to meet it. Fortunately, we are not entirely without resources. The American Council of Learned Societies before and during the Second World War spearheaded a language offensive. At that time the council had the vision to predict the importance of foreign-language training not only as a weapon for war but also as a potential weapon for peace.

"With the impetus of a crisis situation, support was forthcoming from the War Department and 30 textbooks, as well as recordings and dictionaries, were prepared and hundreds of persons received basic language training. This effort was new and was, in large part, experimental. Just as the techniques were beginning to prove themselves—and just as a Korean-English dictionary was ready for publication—the war ended. And so did Government interest in language training; the work was stopped, and that Korean dictionary has never been printed. As a result, the outbreak of the Korean war caught the United States in a little publicized but severely felt state of language unpreparedness; most of the nonnative knowledge of the Korean language was concentrated north rather than south of the Yalu River.

"The year 1954 found America deeply concerned with Vietnam. Who in the United States could read and understand any of the languages of Indochina? With one or two exceptions, only a few emigrees from those countries. How long can this Nation afford this type of ignorance? At the end of 1952 the Department of State had exactly one Thailand expert. In 1953 its man in charge of Thai language training was the victim of reduction in force. Last week, following the Vietnam armistice, we learned that Thailand was next in line. Is this economy?

"Recent elections in Andhra (south India) resulted in substantial gains for the Communist element and put it in opposition to a coalition group which is at least temporarily in power. The United States is greatly handicapped in this connection since no one connected with our Government can read Telegu, the language of the area.

"American inferiority in the language field cannot be remedied overnight through intensive training of a large number of persons in little-known languages. We are further behind than that in that we lack the necessary tools—textbooks, graded readers, and dictionaries which are indispensable to such training. What is even worse, we have an extremely limited reservoir of specialists capable of producing these tools. Mere knowledge of a foreign language does not qualify a person for this. Special training is an essential. For example, the American Council of Learned Societies, with limited private support, is making three dictionaries: Korean-English, Indonesian-English, and Burmese-English. Even with more money, what more could be done at this time? A fourth dictionary could be started, say for Arabic, or Persian, or the language of Afghanistan; and, with great difficulty, perhaps a fifth, but that would be the limit under present conditions. The only way that the situation could be improved, even during the next 10 years, would be the immediate establishment of a long-range program carrying adequate support.

"And where must this support come from? The task is so tremendous that no private source of funds, such as a foundation, no matter how interested and how generously inclined, can make more than a dent on it. The process is so expensive that no commercial organizations could or would attempt it. It is a national responsibility and, as such, must be nationally supported. Unfortunately, the Russians have found this out. They have recognized the production of language tools as being comparable in importance to the production of armaments and have made government funds available for this purpose. Hence, they have reached a point where they can report in Pravda as having 80 dictionaries in process.

"We should not make the mistake, however, of thinking that if sufficient funds could be made available tomorrow that we could begin making 80 dictionaries. With our limited resources of trained specialists, we must begin by the wise use of comparatively modest funds to be expended almost entirely for training. This training should, in the first instance, be directed toward those areas of most obvious strategic importance to American security—southeast Asia and the Arabic world. Recognition by the Congress of the urgency of this aspect of the national defense would go far toward mending the roof before the present showers become a cloudburst."

New Assistant Secretary of Health, Education, and Welfare, Mr. Bradshaw Mintener

EXTENSION OF REMARKS

OF

HON. WALTER H. JUDD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 11, 1954

Mr. JUDD. Mr. Speaker, the President and Secretary Hobby are to be congratulated on securing Mr. Bradshaw Mintener, of Minneapolis, as Assistant Secretary of Health, Education, and Welfare, with special responsibility for Federal-State relations. This is a very important post because so many of the activities of that Department are joint operations of the Federal and local governments—such as, social security, vocational education and rehabilitation, hospital construction, food and drug administration. Mr. Mintener has had a distinguished career as vice president and general counsel of Pillsbury Mills—and, like so many other officials of this administration, is making a great personal sacrifice to accept this appointment. That is in harmony with the public-spiritedness we in Minnesota have seen Mr. Mintener demonstrate in the many church, interracial, and civic tasks he has accepted in the past and always discharged with distinction. Under leave to extend my remarks, I wish to include an editorial from the Minneapolis Star of August 6, 1954:

THE ABLE MR. MINTENER

Bradshaw Mintener was a key figure in the movement which resulted in a clear call from Minnesota for the nomination of Mintener's old friend, Dwight D. Eisenhower, for the Presidency. Now the President has summoned his good friend to Washington to be Assistant Secretary of Health, Education, and Welfare. But this is no mere paying off of a political or personal debt. The President knows the fine legal and human qualities of the Minneapolis attorney. This city and this State long ago learned that important projects entrusted to Mintener's care were quickly and competently handled. The National Government soon will learn the same.

SENATE

THURSDAY, AUGUST 12, 1954

(Legislative day of Thursday, August 5, 1954)

The Senate met at 10 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Eternal God, Father of our spirits in whose peace our restless, feverish hearts are quieted, from the flickering torches of our own understanding, we would lift the perplexing decisions of the public service and of the Nation's welfare into Thy holy light. Make us, in the purity and integrity of our inner lives, such men that Thou mayest speak to us and through us to this bewildered and groping generation.

In these anxious days, when the destinies of nations hang in the balance, when the tensions of human relationships are like waters tossed and troubled, great God of all the earth, lead us to know the worth of sympathy. May brotherhood increase. May all contentions cease, and nations dwell in peace and unity. In the dear Redeemer's name we pray. Amen.

THE JOURNAL

On request of Mr. KNOWLAND, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, August 11, 1954, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its clerks, announced that the House had passed a joint resolution (H. J. Res. 118) to designate the 1st day of May 1955 as Loyalty Day, in which it requested the concurrence of the Senate.

COMMITTEE MEETING DURING SENATE SESSION

Mr. KNOWLAND. Mr. President, after consultation with the minority leader I ask unanimous consent that the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations be given permission to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. KNOWLAND. Mr. President, I ask unanimous consent that immediately following the quorum call there may be the customary morning hour for the transaction of routine business under the usual 2-minute limitation on speeches.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KNOWLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. KNOWLAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Morning business is in order.

LAWS ENACTED BY MUNICIPAL COUNCIL OF ST. THOMAS AND ST. JOHN, V. I.

The PRESIDENT pro tempore laid before the Senate a letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, copies of laws enacted by the Municipal Council of St. Thomas and St. John, V. I., which, with the accompanying papers, was referred to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LONG, from the Committee on Finance, with amendments:

S. 3447. A bill to amend the Internal Revenue Code to permit the filling of oral prescriptions for certain drugs, and for other purposes (Rept. No. 2471).

By Mr. WATKINS, from the Committee on Interior and Insular Affairs, without amendment:

S. 3108. A bill to modify the act of October 8, 1940 (54 Stat. 1020) and the act of July 24, 1947 (61 Stat. 418) with respect to the recoupment of certain public-school construction costs in Minnesota (Rept. No. 2483);

H. R. 2154. A bill authorizing the issuance of a patent in fee to Leona Hungry (Rept. No. 2473); and

H. R. 7813. A bill authorizing the Secretary of the Interior to adjust or cancel certain charges on the Milk River project (Rept. No. 2481).

By Mr. WATKINS, from the Committee on Interior and Insular Affairs, with an amendment:

S. 2153. A bill to authorize the transfer of certain property to the State of Minnesota, and for other purposes (Rept. No. 2484).

By Mr. WATKINS, from the Committee on Interior and Insular Affairs, with amendments:

H. R. 5301. A bill to supplement the Federal reclamation laws by providing for Federal cooperation in non-Federal projects and for participation by non-Federal agencies in Federal projects (Rept. No. 2472).

By Mr. DWORSHAK, from the Committee on Interior and Insular Affairs, without amendment:

H. R. 7881. A bill to validate a conveyance of certain lands by Southern Pacific Railroad Co., and its lessee, Southern Pacific Co., to Morgan Hopkins, Inc. (Rept. No. 2474); and

H. R. 8205. A bill to authorize the conveyance by the Secretary of the Interior to Virginia Electric & Power Co. of a perpetual easement of right-of-way for electric transmission line purposes across lands of the Richmond National Battlefield Park, Va., such easement to be granted in exchange for, and in consideration of, the conveyance for park purposes of approximately 6 acres of land adjoining the park (Rept. No. 2475).

By Mr. BARRETT, from the Committee on Interior and Insular Affairs, with amendments:

H. R. 9981. A bill to provide for the construction of distribution systems on authorized Federal reclamation projects by irrigation districts and other public agencies (Rept. No. 2476).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

H. R. 7229. A bill to provide for the conveyance to T. M. Pratt and Annita C. Pratt of certain real property in Stevens County, Wash. (Rept. No. 2477).

By Mr. KUCHEL, from the Committee on Interior and Insular Affairs, with amendments:

H. R. 8498. A bill authorizing construction of works to reestablish for the Palo Verde Irrigation District, Calif., a means of diversion of its irrigation water supply from the Colorado River, and for other purposes (Rept. No. 2482).

By Mr. CARLSON, from the Committee on Post Office and Civil Service, without amendment:

H. R. 5718. A bill to limit the period for collection by the United States of compensation received by officers and employees in violation of the dual compensation laws (Rept. No. 2478);

H. R. 7785. A bill to amend the Civil Service Retirement Act of May 29, 1930, to make permanent the increases in regular annuities provided by the act of July 16, 1952, and to extend such increases to additional annuities purchased by voluntary contributions (Rept. No. 2479); and

H. R. 9825. A bill to authorize the Postmaster General to prohibit or regulate the use of Government property under his custody and control for the parking or storage of vehicles (Rept. No. 2480).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BARRETT:

S. 3861. A bill for the relief of Theresa Pok Lim Kim; to the Committee on the Judiciary.

By Mr. MUNDT:

S. 3862. A bill to authorize the Secretary of Agriculture to exchange certain lands in Pennington County, S. Dak.; to the Committee on Agriculture and Forestry.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 118) to designate the 1st day of May 1955 as Loyalty Day was read twice by its title and referred to the Committee on the Judiciary.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. REYNOLDS:

Letter written by him in response to requests for Government assistance in connection with certain practices in the automobile industry.

FARMERS HOME ADMINISTRATION—LETTER FROM THE ADMINISTRATOR

Mr. AIKEN. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a letter dated August 9, 1954, which I received from the Farmers' Home Administration, United States Department of Agriculture.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES
DEPARTMENT OF AGRICULTURE,
FARMERS HOME ADMINISTRATION,
Washington, D. C., August 9, 1954.

Hon. GEORGE D. AIKEN,
United States Senate.

DEAR SENATOR AIKEN: I do not believe it would be proper for me to see this Congress adjourn without expressing to you and members of your committee and to all of the Members of the Senate my sincere appreciation for the wonderful cooperation which I have received as Administrator of the Farmers' Home Administration during my first year in that capacity.

The action which you have taken in this session to extend and enlarge the water facilities and conservation loans as well as the amendment to the Bankhead-Jones Farm Tenant Act are very significant. These acts will make a major contribution to a stable agriculture in the United States and its Territories.

I think it outstanding and should so be expressed that at no time in any single instance has undue pressure been exerted upon me or any member of my staff by any Member of Congress toward the making of any loan. In many instances Members of Congress have properly requested information regarding the status of loan applications from their constituents. We hope that in all cases we have delivered this information properly and sufficiently.

My staff joins me in expressing sincere thanks for this cooperation and to assure you as well as every Member of Congress that it's fully appreciated.

Sincerely yours,

R. B. MCLEAISH,
Administrator.

FARM LEGISLATION

Mr. AIKEN. Mr. President, I ask unanimous consent to have printed in the body of the RECORD an editorial entitled "A Major Triumph," published in the New York Times of August 11, 1954; an editorial entitled, "Two Victories for Sense Over Nonsense," published in the Baltimore Sun of August 11, 1954; and an editorial entitled "The Farm Victory," published in the New York Herald

Tribune of August 11, 1954, all of which relate to the farm situation.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times of August 11, 1954]

A MAJOR TRIUMPH

When the Senate voted, 49 to 44, on Monday night, to substitute a system of flexible price supports for the rigid 90 percent supports obtaining on 5 of the Nation's so-called basic farm commodities, it recorded a victory for the administration in one of the most difficult and most important struggles of its entire legislative program to date.

Up to 1942 flexible price supports were established farm policy for this country. In the prewar years the Secretary of Agriculture could determine at his own discretion each year what percentage of parity would be regarded as a reasonable floor to be maintained under each of these commodities. He was limited only by a minimum of 52 percent of parity and a maximum of 75 percent. In selecting the support level for a commodity for any given year, he was guided predominantly by the supply situation in that commodity. In 1942, however, during World War II, American agriculture, like American industry, was faced with an unprecedented production challenge. It had to meet not only the needs of the civilian population at home but also a large part of the requirements of our own Armed Forces and those of our allies.

In order to stimulate agricultural output, the Government underwrote this production effort through emergency legislation which, among other things, set 90 percent of parity as the fixed floor under basic commodities for the duration of the war. Foreseeing that the farmer would require a reasonable amount of time to readjust production to peacetime conditions, Congress provided that the 90 percent supports should continue in effect for 2 years after the President had declared the war emergency at an end. President Truman issued that proclamation December 31, 1946, so the emergency supports should have gone out of existence beginning with the crop year 1949, or 5 years ago. But the powerfully entrenched farm bloc has succeeded up to now in postponing the effective date for this provision of the law every time it drew near. The last such postponement came in midsummer 1952 on the eve of the Democratic Convention.

In this week's Senate debate, as well as many times before, advocates of 90 percent supports have charged that President Eisenhower campaigned on a promise to continue 90 percent supports, and that he has since broken that promise. This is a complete misrepresentation of Mr. Eisenhower's position. In reply to opponents who suggested that if elected he would demand the repeal of the 2-year extension voted in 1952 he denied that he had any such intention. He recognized, he said, a legal and moral obligation to administer that legislation so long as it was on the statute books. However, he made it clear at the same time that he would use that interval to study the farm problem in consultation with the farmers themselves and with the country's best experts in the field.

This is precisely what he did, and as a result, last January 11, in a special message to Congress he outlined his program, which, like the measure sponsored by Senator CLINTON P. ANDERSON in 1949, included provision for flexible supports for the basic commodities, within a range of 75 to 90 percent of parity. As had been expected, the measure emerged from the Agriculture Committees of both Houses with the 90 percent support level restored. In the House the administration succeeded in knocking that provision out in favor of a flexible provision ranging from 82½ to 90 percent of parity. Since the formula agreed on now in the Senate is identical with the House provision, this means that it can't be tampered with in conference committee.

Following its action in upholding the administration in its fight for flexible supports the Senate on Monday night and yesterday voted down the only two other seriously undesirable provisions that had been tacked on by the Agriculture Committee. It upheld the decision of Secretary of Agriculture Ezra T. Benson, who, exercising his discretion under the law, had reduced the support level of dairy products this year to 75 percent of parity. It also rejected a proposed committee amendment which would have made supports mandatory for small feed grains—oats, rye, barley, and grain sorghums.

The breakaway from 90 percent farm price supports is not going to produce any miraculous changes in the farm situation overnight. But it was a step that had to be achieved before any real progress could be made in ridding the Nation of the incubus of the continuously mounting farm commodity surplus. It represents a basic change of direction in economic policy whose long-term importance can hardly be exaggerated.

[From the Baltimore Sun of August 11, 1954]

TWO VICTORIES FOR SENSE OVER NONSENSE

As of this writing, the Senate has gone along with the House of Representatives and accepted the principle, at least, of flexible support for the prices of five basic farm commodities. The outcome constitutes a major victory for President Eisenhower, one comparable to the vote which admitted that it was unjust to subject the dividends of corporations to double taxation.

In both cases, the victory is a partial one. The flexibility in support prices will be sharply limited in range and the tax abatement on dividends will prove, for most owners of common stocks, to be something more like a sprinkle of dollars than a downpour. Still the principle is established and that is what honest men are thankful for.

It is not easy, in matters like these, for commonsense and decency to win out over demagoguery. It has not happened often in the last twenty-odd years. In the matter of double taxation, the demagogs really went to town. All the old bugaboos—Wall Street, princes of privilege, grinding the poor, taking bread out of the mouths of women and children—were dusted off and waved around in the Halls of Congress. The journals which specialize in such play-acting are still shrieking. But a majority of both Houses stood firm in support of the President and he had his way.

When the problem of flexible supports came up, the breastbeaters had another week or so of the same kind of stuff. Senator LEHMAN, of New York, probably with one eye on the upstate farm vote and with full knowledge that his New York City supporters would vote for him regardless, forgot about the taxpayers and consumers he pretends to protect and rushed to the support of the tillers of the soil.

Of course, he wasn't the only one. From the speeches made one would have supposed that every farmer in the United States would be forced into bankruptcy and that all the rest of us would soon be brought face to face with starvation. Some Senators even went so far as to argue that the vast surpluses produced by the rigid support system were a good thing for farmers, instead of threatening the whole farm price structure with collapse as they do.

But despite all this rodomontade, commonsense and common fairness won again. Two victories in a row over the demagogs is not a bad record for Mr. Eisenhower. Maybe it means that the country has finally concluded that 2 and 2 don't make 5.

[From the New York Herald Tribune of August 11, 1954]

THE FARM VICTORY

It was a tight squeeze, but the Senate has voted 49 to 44 to establish lower and flexible price supports for the major farm products. The House has already accepted the principle; the victory is now complete. Economic sense has triumphed over shortsighted political considerations. At last it is agreed, despite all the chronic obstructionism, that high rigid supports cannot be allowed to endure.

The proposition is simply that this country's agriculture should not keep on producing price-propped surpluses which become increasingly unmanageable. The aim is to achieve a better balance between production and consumption, to provide better markets and to lead the way toward fewer controls. Sensible people have long recognized the wisdom of flexible supports—that sooner or later the step toward diminished subsidy had to be taken. But each year since the war Congress has regularly clung to one extension after another, all the while knowing the idea was wrong and that gradual adjustment would have to be applied eventually. The consumers needed relief, the taxpayers needed help, and the farsighted farmers were also well aware of the essential injustice of being overly protected. Yet it takes a lot of courage to resist organized pressure, and the easy way out was to tolerate subsidy and more surpluses.

There comes a time, however, when sanity and determination assert themselves, when leadership insists upon a corrective program, moderate in details, which is for the good of all the people. That is what President Eisenhower has done, with the valiant assistance of Secretary Benson. Government will continue to help agriculture over the rough spots, but not so blindly that the rest of the population is made to suffer. It is a tremendous accomplishment, one that was boldly conceived and energetically driven through.

THE FLEXIBLE PRICE-SUPPORT PROGRAM

Mr. WATKINS. Mr. President, it is with a great deal of personal satisfaction that I view the Senate's action of Tuesday supporting President Eisenhower's flexible price-support program. The institution of a system of flexible price supports, instead of fixed 90 percent price supports, which have resulted in unmanageable surpluses, clearly represents a long overdue and far-reaching change in agricultural policy.

It not only offers reasonable price protection to the growers of basic commodities, but it also provides a realistic method of adjusting farm production of the basic commodities to our consumptive needs. This it does by permitting the law of supply and demand to function more freely, with market price the regulator. Given time, it will result in production for consumption, instead of for Government storage. It also ultimately means less Government control of individual farming operations, since once the market influence is felt, production controls will not be needed.

Secretary Benson is to be congratulated for the statesmanlike manner in which he has presented to the American public the case for a flexible price-support program. We in Utah are very proud of him, as are all thinking farmers throughout this great country.

A timely editorial from the New York Times of August 11, 1954, depicts the Senate action of Tuesday as a major triumph not only for this administration, but the American farmer as well. This editorial is printed in today's RECORD as part of the remarks of the Senator from Vermont [Mr. AIKEN].

PROPOSED TREATY RESTRICTIONS—STATEMENT BY SENATOR WILEY

Mr. WILEY. Mr. President, I shall take the time of the Senate for but a few minutes to comment on the issue of treaty law and the United States Constitution.

It had not been my intention to take the time of the Senate during any of the remaining days of the session for a discussion of this subject. We had already taken a considerable proportion of this entire session in debating Senate Joint Resolution 1. The pros and cons have long since been set forth so completely as probably not to require much, if any, elaboration.

However, last Thursday, August 5, my distinguished associate, the senior Senator from Ohio, commented at length on this subject at the time he introduced Senate Joint Resolution 181.

I feel that comments which he made at that time and as are recorded on pages 13456–13460 of the RECORD, should not go unanswered. For brevity's sake, I shall ask consent that certain material in my statement which follows merely be printed in the RECORD; it is not my purpose to resume now full oral debate on the amendment which bears my colleague's name. I think that both he and I have long since made known our record. Moreover, the Senate, confronted as it is, in these closing days, by a mass of other legislation, should not be faced with another verbal marathon on this subject.

AMERICANS SHOULD REPUDIATE SENATE JOINT RESOLUTION 181

My colleague from Ohio stated that he was introducing his resolution in order to "facilitate the educational and political activity of patriotic Americans in the months ahead."

It is my earnest hope that there will indeed be "educational and political activity" carried on prior to the onset of the 84th Congress. I trust and believe that the American people will register decisively their enlightened repudiation of Senate Joint Resolution 181. I trust they will show definitely that they are not in favor of emasculating the United States Constitution under the guise of defending the Constitution.

They are not in favor of shackling the hands of the President of the United States under the guise of protecting us from some future President. They are not in favor of altering the historic system of checks and balances between the three branches; specifically, they are not in favor of depriving the Chief Executive of our country of authority which, since the beginning of our Constitution, has historically been lodged within the executive branch.

My colleague from Ohio said that, "the fight for protection against treaty law has only just begun."

I can assure him that the fight to protect the United States Constitution has indeed only just begun. It has only just begun against those who for high, patriotic, but misguided motives, would violate the basic spirit of the Constitution.

Were the hour not so late in this session, I would refute in detail each of the hobgoblin arguments raised by my colleague from Ohio—each of the false scares designed to frighten the American people into believing that they are the victims of certain imaginary dangers.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE MISREPRESENTATIONS OF "INTERNATIONALISM"

One notes, for example, in every defense of Senate Joint Resolution 1 and its offspring—repeated used of such scare-words as "world government," "violation of United States sovereignty," "rabid internationalism," etc.

Proponents of the resolution consistently try to conjure up panicky fantasies of an "army" of internationalists, on Capitol Hill and throughout America, seeking to destroy the United States Constitution through various treaties and agreements.

I say, however, that such characterizations are totally unfair and totally misrepresent the issue.

Why? Because the issue today is not fantasy; it is war or peace, progress or destruction of civilization.

If there is anything which recent events on the world scene have proven, it is that the United States must collaborate against the danger of international communism in a spirit of partnership and friendship with all like-minded nations.

This view was most recently expounded by the President of the United States in his splendid emphasis on "the good partner."

I might point out incidentally that my colleague from Ohio was significantly silent with regard to the position of the President of the United States against his own resolution. Why? Because no one more keenly understands the need for progress in international cooperation than the Chief Executive of our country, and that is why he has time after time reiterated his "unalterable opposition" to the basic resolution offered by the gentleman from Ohio.

The current offshoot, Senate Joint Resolution 181, does not differ from the basic formula of previous versions which had been offered and defeated.

The spirit of the infamous "which" clause remains, although the "which" phrase as such, has "conveniently" been omitted. "A rose by any other name smells as sweet" but a very unrosy amendment, in spite of minor language changes, is just as unpleasant and objectionable.

Lest my remarks be misunderstood, I can assure one and all that there is nothing personal in differences between my friend from Ohio and myself. We happen to differ strongly on this issue, but I have never questioned the patriotism of his motives nor the zeal with which he has defended what he sincerely feels to be in the best interests of our country. I wish that we could always debate this issue on the high plane of principle.

I wish, moreover, that with my friend's great ability he could devote himself to more meaningful problems of international relations to the extent that his diligent labors as chairman of the Commerce Committee will permit.

WE ARE NOT MENACED BY "INTERNATIONALISTS"

After all, we are not genuine menaced by so-called "internationalists."

The actual number of people who believe in world government, world currency, world taxes, world legislation, and the like, are very, very few; and certainly they do not include the senior Senator from Wisconsin nor any responsible individual in the executive branch of Government.

No, we are not menaced by the "internationalists."

We are menaced by the Soviet Union, and by the terrible danger of the A-bomb and the H-bomb in Soviet hands. What is the answer of my colleague from Ohio to that latter menace? Why does he not direct his great talents toward a meaningful solution to that problem?

He had been a long-time, highly esteemed chief executive of a great sovereign State. Why does he not assist America's Chief Executive in tackling current specific grave international problems?

Thus, what is my Ohio friend's answer to the problem of the Communist conspiracy against Thailand, against Burma, against Malaya?

What is his answer to the problem of the unsettled Middle East, of improving our relations with Latin America? What is his answer to the need for an enforcible system of international control of the most violent instruments of destruction, if it is obtainable with genuine security for ourselves and others? What is his answer to these and a score of other pressing problems on the world scene, most of which will require treaties and agreements and other instrumentalities? And what is the answer of the supporters of his resolution?

With all the world aflame, is their answer that America should stick its head in the ground like an ostrich?

What kind of an answer is that? How frightened do you think the Russians would be by news that the United States Constitution had been amended so that the United States will have retreated from world affairs?

Is that the message which supporters of Senate Joint Resolution 181 want to convey to the troubled world?

Do the supporters of Senate Joint Resolution 181 want us to forget the Soviet Union and remember only the so-called internationalists?

If so, the situation is analogous to a scene where a city is burning up, just as the world today is aflame. But a few misguided individuals run through the burning streets, yelling, "Beware of the fire department. Beware of the friends of the fire department. They seek expanded power against fires."

Yes, these misguided individuals complain not against the arsonists who have set the fire, but against forces of law and order—against the United Nations, against Allied diplomacy—all of whom are trying to strengthen international law and collaboration so that the arsonists cannot burn down the world.

Judging from certain propaganda literature of many of the more extreme supporters of Senate Joint Resolution 181, in their unreal world of myth and fantasy, it is not Communists who are the aggressors today but internationalists.

And strangely enough, the very patriots who are striving hardest against international communism are curiously lumped together with the Communists as allegedly favoring internationalism.

In this extremist literature, we read that every international treaty is a plot; every agreement is a cabal; every international meeting is a conspiracy. The fire department is purported to be the menace, and not the fire or the arsonists.

This is twisted logic indeed, and it is not the sort of thinking which will appeal to the American people.

Fortunately, there has been a great awakening among the American people on the issue of Senate Joint Resolution 1 and its companion resolutions.

The issue has always had a certain sort of surface appeal, a certain type of glamor. After all, who is not for United States sovereignty?

But the issue is not our sovereignty; the issue is our survival. Dwight D. Eisenhower is not abandoning our sovereignty; he is ably fighting for our very survival as a Nation and a people.

It is the good fortune of America that the Senate during the 83d Congress has not blotted its record by adopting Senate Joint Resolution 1 or 181 or their offshoots.

NUMEROUS CONSERVATIVE SENATORS OPPOSED BRICKER AMENDMENT

I remind the Senator from Ohio that on February 26, 1954, after weeks and weeks of debate even a greatly restricted version of Senate Joint Resolution 1 failed of the necessary two-thirds vote.

And I ask him frankly, do his supporters question the patriotism of the 31 Senators who voted against the amendment?

Does anyone purport to denounce as a so-called internationalist, the senior Senator from Arizona [Mr. HAYDEN] or the senior Senator from Michigan [Mr. FERGUSON], or our colleagues from Maryland [Mr. BEALL], or New Hampshire [Mr. UPTON], or Connecticut [Mr. PURTELL], or Massachusetts [Mr. SALTONSTALL]?

These distinguished Senators, like the others in whose ranks I was pleased to vote, are men who love the Constitution as readily as do the Senators who voted on the opposite side of this issue. They respect United States sovereignty as devotedly as does the universally esteemed senior Senator from Georgia [Mr. GEORGE], who had contributed so significantly to the debate on this as on every other major foreign policy problem, even though many of us on this one particular occasion found that, sadly and unfortunately, we could not agree with him.

I remind the senior Senator from Ohio that the amendment offered by the Senator from Georgia and approved on February 26 had, in section 2, dropped all reference to treaties, and merely provided that "an international agreement other than a treaty shall become effective as internal law in the United States only by an act of the Congress."

Thus the modified George amendment omitted treaty reference, aside from section 1, yet the proponents of Senate Joint Resolution 1 had been going up and down the land, denouncing treaties. Yet when it came to a showdown, restrictions on treaties were dropped by the wayside, and justifiably so.

ETERNAL VIGILANCE ALONE WILL SAVE AMERICA

Now, there is nothing in Senate Joint Resolution 181 or in any of its forms which cannot be achieved by the eternal vigilance of the American people.

It is conceivable that some day a dangerous treaty or agreement may be offered and signed. At that time, unless the American people are vigilant, neither the pending amendment to the Constitution nor a hundred such amendments would protect America's liberties.

There is no such thing as a "built-in automatic" insurance against unwise foreign policy or against tyrannical government. Either our people are alert to dangers, or they fall asleep.

The treaty amendment is therefore totally unnecessary at the least, and extremely dangerous, at the most.

SCARE PROPAGANDA WELL FINANCED

The fact of the matter is, however, that a great many well-respected American groups have become unduly aroused on this treaty issue, and are needlessly fearful that somehow their liberties are being endangered by treaty law.

Accordingly, they have devoted a great deal of misspent energy and vast amounts of finances toward flooding the country with scare propaganda.

There is hardly a single American group which has not been impacted by hobgoblin literature designed to frighten Americans out of their wits and panic them into isolationist frenzy.

I urge, therefore, all thinking Americans who have perceived the problem clearly, to mobilize their energies, to mobilize their resources so as to dispel the smokescreens, the fear propaganda which permitted the modified amendment to come within one vote of ominous victory in the Senate.

I urge all thinking Americans to organize at the grassroots against those who would worsen the George substitute and who would panic America into violating the United States Constitution.

MISREPRESENTATIONS OF STATUS OF FORCES AGREEMENT

Much of the scare propaganda has been directed against the NATO Status of Forces Agreement. My colleague from Ohio has had a good deal to say on that issue and has inserted in the RECORD a considerable body of material, as is his right. To clarify a subject which has become considerably clouded, let me state that the agreement, which is incidentally a treaty, even though it is termed an "agreement," was ratified by President Eisenhower on July 24, 1953. The United States Senate gave its consent 9 days earlier by a resounding vote of 72–15. The agreement was wholeheartedly endorsed by the President, and by all of our leading military spokesmen.

Yet a tremendous amount of phony propaganda has been deluging the people of the United States to the effect that under this Status of Forces Agreement, we somehow "gave up" the liberties of our American servicemen abroad. Nothing is further from the truth.

The agreement definitely did not give foreign governments new powers over our overseas forces. It actually modified powers which foreign governments already had. It should be borne in mind that foreign governments ordinarily, in the absence of a treaty or agreement, have jurisdiction over alien nationals within their territory. But under the agreement, a large measure of jurisdiction over our forces was given to ourselves. As the report of our Senate Foreign Relations Committee showed, under the agreement, "The United States will acquire a number of new rights in the field of criminal jurisdiction." And, "The United States gives up no rights over our troops in Europe which we now have in respect to criminal jurisdiction or to any other matter."

If we were to abandon the agreement, as some people unwisely propose, foreign governments would regain full jurisdiction over American troops, rather than having the present partial jurisdiction.

If we were to abandon the agreement, American troops would lose all the many other benefits of the agreement, among which are exemption from passport and visa requirements, exemption from immigration inspection, exemption from certain taxes, the right to import free of duty personal effects and vehicles.

Yet, a great many misguided individuals are trying to propagandize for abandonment of the agreement. They are trying to spread inaccurate sensational reports about the case of two American servicemen who were guilty of offenses in a foreign land. These boys were given competent counsel during the trial; they were assured every single fundamental safeguard that they would have received in a United States court, their rights were not jeopardized in the slightest. The men did not even desire to appeal the sentences which they received; for after conviction they did not receive the maximum punishment.

But, according to the scare propaganda which has been spread, one would think that because of the status of forces agreement, the rights of these and other Americans had been prejudiced, which was definitely not the case.

SECTION BY SECTION ANALYSIS OF SENATE JOINT RESOLUTION 181

Now, let us take a direct look at the provisions of the amendment which my friend from Ohio says that he is going to readvocate next year.

The first section reads as follows:

"SECTION 1. A provision of a treaty or other international agreement which conflicts with this Constitution, or which is not made in pursuance thereof, shall not be the supreme law of the land nor be of any force or effect."

Senator BRICKER says that "this section has been endorsed in principle by the Eisenhower administration."

I am very glad that he added the words "in principle." The texts of his various versions of section 1, although similar in language, would have had very different effects if they had ever been adopted. I have not had time to examine all of the possible consequences of this section. It is possible that the Eisenhower administration might acquiesce in such a single section alone.

The important point that President Eisenhower has repeatedly made is that he is unalterably opposed to any amendment which would hamper his effective control over the foreign relations of this country. I do not know whether the new section 1 would be agreeable to the White House or not. However, I do know it contains certain features that require very careful comment.

Senator BRICKER has added a phrase "made in pursuance thereof." During the months of debate this past session, no one was able to explain very clearly what, if anything, these words added.

It was pointed out during the debate that the words were inappropriate because many treaties might be made which would not conflict with the Constitution, but which were not made "in pursuance thereof," in the dictionary sense of the word "pursuance." The addition of these words may simply be so much verbiage.

SECTION 2—THE "DISAPPEARING-REAPPEARING" WHICH CLAUSE

"SEC. 2. A treaty or other international agreement shall become effective as internal law in the United States only through legislation valid in the absence of international agreement."

Senator BRICKER certainly made the understatement of the session when he said that "this section represents the area of disagreement between myself and administration spokesmen." This section contains in effect the famous and infamous "which" clause.

However, we should note in passing that the word "which"—which—has been omitted. Now you see it, now you don't. The specific "which" may have been eliminated, but its unworthy spirit lingers on. With all due respect, I say the unfortunate "which" or "witch" concept reminds one of Halloween mumbo-jumbo uttered in a world of hobgoblins and boiling caldrons of suspicion and fear. Maybe we should now label section 2 the "hidden witch" clause.

This new section 2 is almost identical with the one that Senator BRICKER started with 2 years ago.

It has all the fallacies and drawbacks which have been pointed out in 2 years of debate. For example, in a speech in August 1953, Secretary of State Dulles said with respect to similar language in Senate Joint Resolution 1 that it "would cut down the Nation's treaty power so that no treaty could bind the Nation in respect of matters which, under our Federal system, fall within the jurisdiction of the States. This would set the clock back to an

approximation of the condition which existed under the Articles of Confederation. Then, that condition was so intolerable and it so jeopardized the Confederation that the present Constitution was adopted to give the Federal Government authority, in international matters, to act for all the Nation, including the States."

It would also require that all treaties be passed by two-thirds of the Senate and then by a majority of the Senate and of the House.

It was for these and a number of other pressing reasons that section 2—even without the which clause—only received the support of 42 Senators.

SECTION 3—RULES CHANGE

Section 3 of the proposed amendment reads as follows:

"SEC. 3. On the question of advising and consenting to the ratification of a treaty, the vote shall be determined by yeas and nays, and the names of the persons voting for and against shall be entered on the Journal of the Senate."

As we all know, the purpose of this section could be achieved by a simple change in the rules of the Senate. The Rules Committee has already approved such a change and it could be adopted at any time by the Senate.

So far as a constitutional amendment is concerned, section 3 is just so much window dressing.

FOUR SO-CALLED NEW DEVELOPMENTS

Now, in his August 5 remarks Senator BRICKER made mention of "four important new developments [that] have strengthened the position of the proponents of the amendment."

Let us examine—very briefly—these so-called new developments to see if they in fact really strengthen the position of the proponents, or if they are the same old hash, warmed over.

Senator BRICKER referred first to the fact that the Human Rights Commission "'has refused to insert a provision in the Human Rights Covenants recognizing the right to own property and to have it protected against arbitrary interference by government."

This statement on his part is relevant to something, but I can see no relevancy whatever to the question of whether or not we should take the solemn step of amending our Constitution.

Since when do we amend the Constitution simply because some international instrument contains a provision we do not like or omits one that we do like? We Americans believe, thank God, in private property. Our view unfortunately did not prevail in this respect as regards this particular covenant. Is that an excuse for amending the Constitution?

The Secretary of State has said upon numerous occasions that the United States has no intention of becoming a party to the Human Rights Covenants. Even if some future Secretary and President changed their minds about this and signed the covenants, it would take two-thirds of the Senate to approve its ratification, unless, of course, we were unwise enough to accept the George amendment, which would permit the President and a simple majority of both Houses of Congress to commit us to the covenants.

Thus, Senator BRICKER'S first important new development turns into a pure smoke screen upon examination.

PRESIDENT'S POWER AS COMMANDER IN CHIEF

His second important new development is Mr. Dulles' statement that "the President can now wage war without a declaration by Congress in the event of attack on one of our treaty allies in Europe or South America," thus reaffirming his Louisville speech of April 1952 before the American Bar Association that a treaty can take powers from Congress and confer them on the President.

I should think that it would be unnecessary to point out to any Senator that the Constitution deliberately provides that it is the Congress that has the power to declare war but the President, as Commander in Chief under the Constitution, has the power, in an emergency and without a congressional declaration, to make war. This is nothing new at all.

What Secretary Dulles announced is the mere reiteration of a well-founded constitutional doctrine. There are numerous examples in the past of Presidents—of various parties—making war without any congressional declaration. In this atomic and hydrogen age when we may be blitzed in a matter of hours the necessity for the possession of this defensive-offensive power should be obvious to even the blindest.

So, there is no queston, as the Senator tried to assert, of taking power from Congress and conferring it on the President; it is a power that he has always possessed. Let no one, however, conjure up the notion of a President willy-nilly starting a third world war; that is Soviet claptrap; it is unworthy of any thinking American.

THE UNITED STATES-BRITISH ATOM AGREEMENT

The third development is the reference to the secret executive agreement of President Roosevelt and Prime Minister Churchill relating to the control of atomic energy.

This agreement was concluded on August 19, 1943, and is a short one. I have a photostatic copy of the agreement here, and, in order that no one will be confused as to exact terms, I would like to have it incorporated into the RECORD at this time. As you will note, the code name "tube alloys" is substituted for the words "atomic energy." The document has been published by the British and is now being published by the United States. No security problem is involved. The text of the agreement is as follows:

"THE CITADEL QUEBEC—ARTICLES OF AGREEMENT—GOVERNING COLLABORATION BETWEEN THE AUTHORITIES OF THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM IN THE MATTER OF TUBE ALLOYS

"Whereas it is vital to our common safety in the present war to bring the tube-alloys project to fruition at the earliest moment; and whereas this may be more speedily achieved if all available British and American brains and resources are pooled; and whereas owing to war conditions it would be an improvident use of war resources to duplicate plants on a large scale on both sides of the Atlantic and therefore a far greater expense has fallen upon the United States:

"It is agreed between us—

"First, that we will never use this agency against each other.

"Secondly, that we will not use it against third parties without each other's consent.

"Thirdly, that we will not either of us communicate any information about tube alloys to third parties except by mutual consent.

"Fourthly, that in view of the heavy burden of production falling upon the United States as the result of a wise division of war effort, the British Government recognize that any postwar advantages of an industrial or commercial character shall be dealt with as between the United States and Great Britain on terms to be specified by the President of the United States to the Prime Minister of Great Britain. The Prime Minister expressly disclaims any interest in these industrial and commercial aspects beyond what may be considered by the President of the United States to be fair and just and in harmony with the economic welfare of the world.

"And fifthly, that the following arrangements shall be made to ensure full and effective collaboration between the two countries in bringing the project to fruition:

"(a) There shall be set up in Washington a Combined Policy Committee composed of the Secretary of War (United States); Dr. Vannevar Bush (United States); Dr. James B. Conant (United States); Field Marshal Sir John Dill, G. C. B., C. M. G., D. S. O. (United Kingdom); Colonel the Right Honorable J. J. Llewellin, C. B. E., M. C., M. P. (United Kingdom); the Honorable C. D. Howe (Canada).

"The functions of this committee, subject to the control of the respective Governments, will be—

"(1) To agree from time to time upon the program of work to be carried out in the two countries.

"(2) To keep all sections of the project under constant review.

"(3) To allocate materials, apparatus and plant, in limited supply, in accordance with the requirements of the program agreed by the committee.

"(4) To settle any questions which may arise on the interpretation or application of this agreement.

"(b) There shall be complete interchange of information and ideas on all sections of the project between members of the Policy Committee and their immediate technical advisers.

"(c) In the field of scientific research and development there shall be full and effective interchange of information and ideas between those in the two countries engaged in the same sections of the field.

"(d) In the field of design, construction, and operation of large-scale plants, interchange of information and ideas shall be regulated by such ad hoc arrangements as may, in each section of the field, appear to be necessary or desirable if the project is to be brought to fruition at the earliest moment. Such ad hoc arrangements shall bbe subject to the approval of the Policy Committee.

"FRANKLIN D. ROOSEVELT.
"WINSTON S. CHURCHILL.

"Approved August 19, 1943."

That is the end of the text.

The agreement I point out, was concluded almost 2 full years before the end of that frightful global conflict. The agreement dealt with the most secret item that the Allies possessed.

It would have been the sheerest kind of folly—if not criminal nonsense—to have put the agreement in the form of anything other than a secret agreement. Would my colleague from Ohio have asked that the agreement be printed in the newspapers so that Julius and Ethel Rosenberg and Klaus Fuchs and others could have been helped in their spy work? America was at war; the tide had not yet turned; we vitally needed some agreement with the British, with whom we were collaborating in the development of the bomb.

PRECAUTIONARY PROVISION IN NEW ATOMIC BILL

Now, I do not presume to be an expert in the field of atomic energy.

It is a fact that there have been those who strongly disputed certain terms of the Quebec Agreement.

Certainly, we Americans feel today in the present perspective of history that we cannot and should not shackle the hands of our Government in making life and death precommitments to others, involving the A-bomb or the H-bomb.

I point out that on July 26 in the CONGRESSIONAL RECORD, on page 11954, our associate, the able senior Senator from Iowa, Mr. HICKENLOOPER, carefully described a precautionary provision in the new atomic energy bill which expressly provides that "in the performance of its functions under this act, the Commission shall give maximum effect to the policies contained in any international arrangement made after the date of enactment of this act."

The key words are, of course, "* * * after the date of enactment of this act."

The Joint Atomic Energy Committee—of which our Ohio friend is a most active member—unanimously approved this provision. In committee there was no objection to it whatsoever.

In other words, the expert committee refused to require the Atomic Energy Commission to give effect to policies contained in any international arrangement made previous to the date of the present bill. But if the so-called internationalists are so strong—if the supporters of secret agreements are allegedly so strong and if the issue is so simple, why did not the internationalists prevail in validating any and all previous arrangements which may have been made?

The answer is, of course, that by means of the pending atomic energy bill, an overwhelming majority of the Congress is taking a position clearly based upon the best interests of the United States, but in a manner consistent with our future international obligations. So, too, in other bills affecting our country as a sovereign power, we will not prejudice our sovereign rights, but we will fulfill the letter and spirit of those international arrangements which we know to be in the best interests of our country and of the world. Certainly no constitutional amendment is necessary under these circumstances when we can write precautions into regular legislation.

U. N. CHARTER HEARINGS STILL UNDERWAY

The last important new development is that allegedly the current debate on the subject of United Nations Charter revision "has revealed a determined effort on the part of influential persons and organizations to scuttle the sovereignty of the United States at the proposed U. N. Charter Review Conference in 1956 in favor of some form of limited or full world government."

In the first place, the question of whether there will even be a conference to review—not necessarily revise—the charter will not be finally decided until the 10th session of the General Assembly in 1955.

I don't see how the conference could take place before 1956 at the earliest. In other words, there is no urgency in this matter.

Moreover, the Senate subcommittee, of which I have the honor to serve as chairman, has, as my colleague so well knows, been holding extensive grassroots hearings on this subject. We have heard all sorts of suggestions from all shades of opinion.

Throughout the Nation the press has given heart-warming support to our study. No one has been turned away from our hearings. The most fervent partisans of my Ohio friend have had their say.

Why should he fear that the views of commonsense will not prevail in that subcommittee forum?

The fact that we hold hearings doesn't mean that we are going to accept any particular suggestions. Neither the subcommittee nor the full committee is anywhere near ready to make any suggestions to the Senate. Nor is the State Department at the decision-making stage.

I believe that we can have confidence in ourselves and in Secretary Dulles not to make unsound suggestions for revision. In addition, the United States has a veto power over any possibly unsound amendments suggested by other states at a review conference, if one is held. Thus, we are fully protected. Why the fear, why the panic, why the slightest aspersions on a conscientious, careful, diligent review?

My colleagues on the subcommittee have repeatedly pointed out that all the repeated isolationist references to so-called pressure for world government completely ignore the overwhelming bulk of testimony which our subcommittee has received. My colleagues have cited that not a single member of our subcommittee has shown the slightest disposition toward any so-called world government proposal.

Now, in conclusion, let me point out the following:

Senator BRICKER has said that "this revised treaty-control amendment is not introduced with any expectation of action in this Congress."

For this assurance I express my heartfelt gratitude to the Senator.

I am sure that my colleagues and I would not relish debating this issue until Christmas, 1954. However, if need be, and if our energetic Ohio friend wants again to join the issue now on the Senate floor (which we have reason to doubt), we will not shrink from the task.

The mission of defending the Constitution against tinkering is one which merits the fullest possible effort on the part of any United States Senator, including myself.

1954 CANDIDATES SHOULD FIGHT AGAINST THE AMENDMENT

I know that my friend from Ohio is hoping that the elections of this coming November will establish a trend in which the American people indicate their support of his joint resolution.

It is my own earnest hope and prayer that the American people will make known that they want the winning candidates of November 2, 1954, to protect, preserve, and defend the Constitution against those who would wittingly or unwittingly violate it.

The issue is not a partisan one.

Many distinguished representatives of both major political parties have contributed to the defense of the Constitution against this dangerous amendment.

As for the members of my own party running this November, I earnestly hope that, if they have shown any faint-hearted inclination toward voting for this amendment, that they will think the matter over. I hope that they will not irrevocably commit themselves to emasculating the Constitution.

I hope that the Republican Party will never be guilty of having within its ranks a majority of adherents committed to altering the very basis of this Constitutional Republic.

To those Republicans who may campaign on the basis of support of this amendment, I say frankly, that what they would in effect be doing would be to campaign to shackle the hands of the Republican President of the United States. That, to me, is not a sound Republican plank. It is not a sound campaign appeal. It is a path to Republican and national disaster.

Let, therefore, the Republican Party signify in its campaign of 1954 that it does not intend to turn back the clock to the Articles of Confederation days; it does not propose to retreat to a horse-and-buggy era in which America had little, if any responsibility in relation to foreign affairs.

The Republican Party, under the leadership of a great President and a great Secretary of State has been achieving historic new chapters in the record of collective security.

Passage of Senate Joint Resolution 181 would be a step back into the Dark Ages.

It would be a notice to the Soviet Union that we have forgotten about her as a menace, but that we are beginning to think of our own people as menaces. Nothing could delight the Soviets more. They would be happy to have American attack American, question each other's motives, accuse one another of "selling this country down the river, violating its sovereignty," etc.

WHY CAST ASPERSION ON PATRIOTS

Let me say that, totally irrespective of any personality inside or outside the Senate, the entire trend, in which one group of Americans accuses another group of being allegedly less patriotic, simply because it happens to differ on certain foreign policy issues, is, I think, absolutely deplorable. Men who are 100 percent patriotic to the depths of their being, have been smeared in the public print simply because they want to strengthen the United Nations, to strengthen international law, to prevent an endless armaments race leading to an awful Armageddon. These peace-loving men love the American flag, the American Constitution, the American Republic, American sovereignty, as deeply as does anybody else. But they want to spare this country from war. What is wrong with that? For them to be abused, defamed, smeared, vilified, as if they had somehow sold their country out like Benedict Arnold, is to my way of thinking, tragic and unforgivable.

Who are their critics and detractors? Who has the right to besmirch them?

Who are the isolationist superpatriots to claim that only they are the patriots, that they have a complete monopoly on love of country, on love of the Constitution?

In point of fact, many of them seem to demonstrate the least understanding and the least appreciation of the Constitution.

They seem to want to make the Constitution a document of a thousand or more wild-eyed, fear-filled amendments. They seem to want us to pass an amendment every day of the week to guard against some new imaginary danger, some new menace born not out of reality but born out of mistrust and suspicion of our own President, of our own Congress, our own Supreme Court, our own people, and the legislators whom they will elect in years to come.

Let, then, the issue be joined when the hour is ripe, and when the worthy gentleman from Ohio is ready.

Let the issue be joined in the campaign of 1954.

Let it be joined in the 84th Congress next January.

Let the American people register their desire to spare from destruction the beloved document which is the guardian of our liberties.

We do not fear for the outcome.

We have faith in America—in its leadership and its people.

Can our opponents say as much?

A SOUND, SENSIBLE APPROACH TO AMERICAN TARIFF POLICY

Mr. WILEY. Mr. President, I send to the desk a statement I have prepared on the subject of the United States tariff policy. I ask unanimous consent that the statement be printed at this point in the body of the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR WILEY

PRESIDENT EISENHOWER IS TO BE COMMENDED ON SOUND TARIFF POLICY

In the closing weeks and months of the present session of Congress, there have, as usual, been a considerable number of tariff matters which have come to the attention of the legislative and executive branches.

This is, of course, one of the perennial thorny issues of the American scene. It is difficult; it is complex; it involves the most careful weighing of a great many factors.

I, for one, have always believed in reviewing each particular tariff problem on its own merits.

I oppose restrictions on oil imports

I have spoken out repeatedly against any arbitrary, rigid policy, for example, against setting up Chinese-type tariff walls, obsolete barriers which might do genuine harm to America's good relations with the world.

I have stated that we should not impose restrictions on those imported items where no harm has been inflicted, or is in prospect on a key American industry, and where

the disadvantages of the restrictions outweigh the advantages to us.

Such an instance would be in the case of the proposed restrictions on the import of Venezuelan petroleum. Various proposals to that effect such as the Simpson bill recommendation would have done incalculable harm to our good-neighbor program, and for that reason I have absolutely opposed them.

Lead and zinc merit protection

To cite a second instance, there is the lead and zinc tariff problem. Here, in my judgment, an important and strategic American industry has been dealt very severe blows. A great number of American mines have literally been put out of commission. The modest tariff increases recommended to help relieve their plight is, I believe, justified, particularly from the standpoint of national defense.

Hardboard should be reclassified

Still another phase of the tariff problem has come up in conjunction with legislation to correct the present tariff classification of hardboard from wood (dutiable at 7½–15 percent ad valorem) to paper (dutiable at a straight 16⅔ percent.)

I had hoped that the Senate Finance Committee would very definitely act upon a bill for this purpose which the House of Representatives has approved, H. R. 9666. Now, however, the committee has deferred action until the Tariff Commission can make an overall study of the hardboard industry and submit recommendations to the committee.

It is a fact that upon this hardwood decision depends the future of a great many companies and employees, including many in my State. In any event, I believe—on the merits—that the facts have long since been available, justifying a favorable decision on this problem, and I am sorry to see the committee's decision for delay. I believe in study, but not when the issue has been studied and studied and harm has already been experienced.

I have in my hands a considerable number of messages from my own and neighboring States: from Mr. D. C. Everest, one of the great figures of the vital Wisconsin paper industry; from Mr. R. W. Pruden, executive manager of the Superior Association of Commerce; from Mr. D. C. Mac Donald, president of the Superior Wood Products Co. of Duluth; from Neils Hedvall, president of the International Brotherhood of Pulp Sulphite and Paper Mill Workers, local at Duluth, all urging prompt action on H. R. 9666. Their position is, I feel, sound. The reclassification is merited.

Sound decision in watch case

A final tariff instance which I shall cite is the notable decision already announced, and that is of course the forthright position of the President in the watch tariff case.

In my judgment, the President's position was eminently fair and wise.

It was quite clear that there was very definitely a grave danger that the domestic watch and clock industry would soon disappear beyond recall unless it were granted relief under the escape clause provision of the Trade Agreements Act.

The Commander in Chief of our Armed Forces well knew from his lifetime of military experience that modern warfare depends on precision timepieces, timing devices, ammunition components, and countless delicate instruments to which the skills of the American watch and clock industry must contribute.

My personal position on behalf of watch tariff relief was primarily based on what I, too, regard as the national defense aspects of the problem. My own State was definitely not involved directly in this issue, unlike various other States which are centers of the watch industry.

Some press comment distorted watch decision

I spoke therefore from a position which I feel was objective and impartial.

I should like to refer now to an interesting aspect of this matter—the comments in the press—before and after the watch decision.

All in all, I think that some press comments on the watch decision offer a good illustration of how the meaning of an issue can be inflated and exaggerated out of all proportion.

The President's decision has of course been praised by many, condemned by others.

Some of those who have condemned it have tried to use it as an excuse to portray the Republican administration and the Republican Party as allegedly "insensitive to world opinion," "unalert to the need for world trade," "unmindful of the fears in the minds of many nations concerning future United States economic policy."

The fact of the matter is, however, that the Republican Party and the Republican administration are very definitely sensitive to each and every one of these problems. The Republican Party and administration know that trade is a cornerstone of world prosperity. We know that nations cannot buy unless they sell.

At the same time, the Republican Party believes in a commonsense approach to this problem. It believes that if every Tariff Commission recommendation for a tariff increase is to be absolutely ignored, then we might just as well not have a tariff commission.

If we are going to take the position that every single tariff increase must be uniformly opposed because it might be regarded as a symptom of so-called Smoot-Hawley protectionism, then we should abandon the whole procedure of tariff hearings.

In the watch tariff instance, the very considerable and well-financed propaganda forces of the Swiss industry had conducted a tremendous campaign to convince everyone that world trade would practically come to an end if the President granted tariff relief; that the entire free world alliance would be practically ripped asunder if the President accepted the Tariff Commission's recommendation for the increase.

Now, of course, nothing of the sort resulted from the President's wise decision.

Although many foreign sources (totally irrespective of the watch industry) would no doubt have preferred an opposite decision, most observers recognized that the problems involved in the watch industry were unique and did demand sympathetic attention.

Of the principal public reaction which came from abroad, virtually all seems to have originated in or been inspired by Swiss sources. Neither the Associated Press nor the United Press reported any special reaction from any of their bureaus located elsewhere in the world, outside Switzerland and West Germany.

The fact of the matter is that most keen-eyed American and foreign observers know that the Swiss watch cartel is not the innocent lamb that it pretends to be.

It has knocked out so many watch industries in so many countries, controlling as it does 95 percent of world markets, that it could hardly hope to arouse any particular sympathy on our part. What our Swiss friends choose to do in their own country—as regard cartel restrictions—is, of course, their own prerogative. We have a very high regard for the Swiss Government and the Swiss people. We admire their diligence, their democracy, their fortitude.

But what we choose to do in our country in order to protect a defense industry from destruction by that cartel is of course our prerogative.

And frankly, some of us get a little tired at wild criticisms of President Eisenhower, simply because on this particular case, on its merits, he came to a decision which his own conscience told him was sound, and which I believe the American people very definitely recognize as such. And, I might add, it was a decision on a vital industry whose importance has been stressed by the Department of Commerce, the Office of Defense Mobilization, our own Senate Armed Services Committee, the Department of Defense, and other agencies.

To be sure, there are some American editors and newspapers who have chosen to misconstrue the President's action as constituting a so-called reversal of previous administration policy aimed at greater trade. It is no such thing.

The tariff subject is definitely not one in which the President can or should take an arbitrary, rigid position for, let us say, either free trade or for high tariff barriers, irrespective of any and all defense and other considerations which prevail in given situations.

As the New York Herald Tribune remarked in its editorial of Thursday, July 29:

"The President's action, painfully difficult as it had to be, cannot in the nature of things stand alone. Foreign friends know well that American trade policy is the product of a balance among multiple and often competing interests. Our foreign-aid program, our unrestricted currency and all of our trade concessions to other countries are also part of our national policy. Our military program provides sinews of free-world defense as well as creating particular economic problems."

This is precisely what I am urging today: a better understanding of our United States position. I am urging that United States policy not be misrepresented; that our country not be criticized every time we choose to take some independent action.

My own deep interest in promoting sound relations with the world needs no reiteration at this point.

On this very day in the pages of the CONGRESSIONAL RECORD will be found an appeal which I am making for rejection of a particular proposal which I regard as contrary to sound American foreign policy; namely, the amendment imposing arbitrary restrictions on the treatymaking process.

Therefore, I hope that on the economic side of our policy, we will continue to adopt a commonsense attitude—one which carefully evaluates the pros and cons, the assets and debits, the advantages and disadvantages, to our own people and to foreign peoples, and with calmness, comes to a fair decision. And I hope that our decision will be understood abroad.

ACTIVITIES OF THE FOREIGN RELATIONS COMMITTEE DURING THE 83D CONGRESS

Mr. WILEY. Mr. President, since the enactment of the Legislative Reorganization Act of 1946, it has been the custom of the Senate Committee on Foreign Relations to prepare an account of its activities during each Congress. This is in the nature of a report to the Senate and the people on the fulfillment of our responsibilities and duties. The report is now being prepared by the committee staff. It will be quite comprehensive. However, since bills and joint resolutions will continue to be signed by the President for a few days after Congress adjourns, and since the committee wants to show such final actions in the report, I shall be unable to file it while the Senate is still in session. I therefore ask permission to file the report, entitled "Legislative History of the Committee on Foreign Relations, United States Senate, 83d Congress," after the adjournment of

Congress, and to have it printed as a Senate document. In the past, these reports have run between 60 and 80 pages; and I expect that this will be approximately the length of the one now under preparation.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin? Without objection, it is so ordered.

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

GRANT OF CERTAIN LANDS IN NEVADA TO LAS VEGAS VALLEY WATER DISTRICT

The PRESIDING OFFICER (Mr. PAYNE in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 3302) granting to the Las Vegas Valley water district, a public corporation organized under the laws of the State of Nevada, certain public lands of the United States in the State of Nevada, which was, on page 2, line 2, after "purposes", insert "only to the extent required for such development, production, storage, transmission, and distribution of water."

Mr. McCARRAN. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

GRANT OF CERTAIN PUBLIC LANDS IN NEVADA TO BASIC MANAGEMENT, INC.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3303) granting to Basic Management, Inc., a private corporation organized under the laws of the State of Nevada, certain public lands of the United States in the State of Nevada, which was, on page 2, line 3, after "purposes", insert "only to the extent required for such development, production, storage, transmission, and distribution of water."

Mr. McCARRAN. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

INCORPORATION OF NATIONAL FUND FOR MEDICAL EDUCATION

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1748) to incorporate the National Fund for Medical Education, which was, to strike out all after the enacting clause and insert:

That the following persons: Donald C. Balfour, M. D., Rochester, Minn.; Louis H. Bauer, M. D., Hempstead, N. Y.; Margaret Culkin Banning, Duluth, Minn.; E. N. Beesley, Indianapolis, Ind.; James F. Bell, Minneapolis, Minn.; Elmer H. Bobst, New York, N. Y.; Earl Bunting, Washington, D. C.; Carl Byoir, New York, N. Y.; James L. Camp, Jr., Franklin, Va.; Champ Carry, Chicago, Ill.; Robert S. Cheek, Nashville, Tenn.; Colby M. Chester, New York, N. Y.; Frank A. Christensen, New York, N. Y.; Paul F. Clark, Boston, Mass.; Lucius D. Clay, New York, N. Y.; S. Sloan Colt, Westhampton Beach, N. Y.; George H. Coppers, New York, N. Y.; William E. Cotter, Scarsdale, N. Y.; C. R. Cox, New York, N. Y.; Howard S. Cullman, New York, N. Y.; Walter J. Cummings, Chicago, Ill.; Willard K. Denton, New York, N. Y.; Raoul E. Desvernine, Washington, D. C.; Michael Francis Doyle, Philadelphia, Pa.

Victor Emanuel, New York, N. Y.; Peter M. Fraser, Hartford, Conn.; Bernard F. Gimbel, Greenwich, Conn.; William B. Given, Jr., New York, N. Y.; Robert M. Hanes, Winston-Salem, N. C.; David M. Heyman, New York, N. Y.; Oveta Culp Hobby, Houston, Tex.; Herbert Hoover, New York, N. Y.; B. Brewster Jennings, Glen Head, N. Y.; Eric A. Johnston, Washington, D. C.; Devereux C. Josephs, New York, N. Y.; Meyer Kestnbaum, Chicago, Ill.; Edgar Kobak, New York, N. Y.; Allan B. Kline, Chicago, Ill.; Robert Lehman, New York, N. Y.; Samuel D. Leidesdorf, New York, N. Y.; Leroy A. Lincoln, New York, N. Y.; Ralph Lowell, Boston, Mass.; Benjamin E. Mays, Atlanta, Ga.; Neil McElroy, Cincinnati, Ohio; George W. Merck, West Orange, N. J.; Don G. Mitchell, New York, N. Y.; George G. Montgomery, San Francisco, Calif; Seeley G. Mudd, M. D., Los Angeles, Calif.

Charles S. Munson, New York, N. Y.; Herschel D. Newsom, Washington, D. C.; Edward J. Noble, New York, N. Y.; William S. Paley, New York, N. Y.; Thomas I. Parkinson, New York, N. Y.; F. D. Patterson, Tuskegee, Ala.; Joseph M. Proskauer, New York, N. Y.; B. Earl Puckett, New York, N. Y.; Victor F. Ridder, New York, N. Y.; Owen J. Roberts, Philadelphia, Pa.; Winthrop Rockefeller, Little Rock, Ark.; Anna M. Rosenberg, New York, N. Y.; T. J. Ross, New York, N. Y.; Howard A. Rusk, M. D., New York, N. Y.; Frank P. Samford, Birmingham, Ala.; Lester N. Selig, Chicago, Ill.; Eustace Seligman, New York, N. Y.; Spyros P. Skouras, New York, N. Y.; Alfred P. Sloan, Jr., New York, N. Y.; George F. Smith, New Brunswick, N. J.; Harold V. Smith, New York, N. Y.; Harold E. Stassen, Washington, D. C.; John P. Stevens, Jr., New York, N. Y.; William C. Stolk, New York, N. Y.; Harvey B. Stone, M. D., Baltimore, Md.;

Reese H. Taylor, Los Angeles, Calif.; Juan T. Trippe, Greenwich, Conn.; Thomas J. Watson, New York, N. Y.; Ernest T. Weir, Pittsburgh, Pa.; George Whitney, New York, N. Y.; Robert E. Wilson, Chicago, Ill.; R. W. Woodruff, Atlanta, Ga.; Wilson W. Wyatt, Louisville, Ky.; J. D. Zellerbach, San Francisco, Calif.; and John S. Zinsser, Philadelphia, Pa.; and their successors, are hereby created and declared to be a body corporate of the District of Columbia, where its legal domicile shall be, by the name of the National Fund for Medical Education (hereinafter referred to as the corporation) and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this act are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and bylaws, not inconsistent with this act, and the doing of such other acts as may be necessary for such purpose.

PURPOSES OF THE CORPORATION

SEC. 3. The purposes of the corporation shall be to raise from private sources, disperse and administer funds for medical education, and in connection therewith to take other appropriate action to promote and foster the following objectives:

(1) The interpretation of the needs of medical education to the American public;

(2) The encouragement of the growth, development, and advancement of constantly improving standards and methods in the education and training of all medical manpower in the Nation; and

(3) The preservation of academic freedom in the institutions of medical education.

CORPORATE POWERS

SEC. 4. The corporation shall have power—

(1) to have succession by its corporate name;

(2) to sue and be sued, complain and defend in any court of competent jurisdiction;

(3) to adopt, use, and alter a corporate seal;

(4) to choose such officers, managers, agents, and employees as the business of the corporation may require;

(5) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(6) to contract and be contracted with;

(7) to take by lease, gift, purchase, grant, devise, or bequest from any private corporation, association, partnership, firm or individual and to hold any property, real, personal or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State (A) governing the amount or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State;

(8) to transfer, convey, lease, sublease, encumber and otherwise alienate real, personal or mixed property; and

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge or otherwise, subject in every case to all applicable provisions of Federal and State laws.

PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

SEC. 5. (a) The principal office of the corporation shall be located in New York City, N. Y., or in such other place as may be later determined by the board of directors, but the activities of the corporation shall not be confined to that place, but may be conducted throughout the various States, Territories, and possessions of the United States.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept service of process for the corporation; and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

MEMBERSHIP; VOTING RIGHTS

SEC. 6. (a) Eligibility for membership in the corporation and the rights, privileges, and designation of classes of members shall, except as provided in this act, be determined as the constitution and bylaws of the corporation may provide.

(b) Each member of the corporation, other than honorary, sustaining or associate members, shall have the right to one vote on each matter submitted to a vote at all meetings of the members of the corporation.

BOARD OF DIRECTORS: COMPOSITION, RESPONSIBILITIES

SEC. 7 (a) Upon the enactment of this act the membership of the initial board of directors of the corporation shall consist of the present members of the executive committee of the National Fund for Medical Education, Inc., the corporation described in section 16 of this act, or such of them as may then be living and are qualified members of said executive committee, to wit: Earl Bunting, Washington, D. C.; Colby M. Chester, New York, N. Y.; S. Sloan Colt, Westhampton Beach, N. Y.; William E. Cotter, Scarsdale, N. Y.; Victor Emanuel, New York, N. Y.; Willian B. Given, Jr., New York, N. Y.;

Herbert Hoover, New York, N. Y.; Devereux C. Josephs, New York, N. Y.; Samuel D. Leidesdorf, New York, N. Y.; Leroy A. Lincoln, New York, N. Y.; Eustace Seligman, New York, N. Y.; Juan T. Trippe, Greenwich, Conn.; and John S. Zinsser, Philadelphia, Pa.; together with the following members of the medical profession, namely, Donald C. Balfour, M. D., Rochester, Minn.; Louis H. Bauer, M. D., Hempstead, N. Y.; Howard A. Rusk, M. D., New York, N. Y.; and Harvey B. Stone, M. D., Baltimore, Md.

(b) Thereafter, the board of directors of the corporation shall consist of such number (not less than 15 and not more than 25, 4 of whom shall at all times be members of the medical profession), shall be selected in such manner (including the filling of vacancies), and shall serve for such term as may be prescribed in the constitution and bylaws of the corporation.

(c) The board of directors shall be the governing board of the corporation and, during the intervals between the meetings of members, shall be responsible for the general policies and program of the corporation and for the control of all contributed funds as may be raised by the corporation.

OFFICERS; ELECTION AND DUTIES OF OFFICERS

SEC. 8. (a) The officers of the corporation shall be a chairman of the board of directors, a president, one or more vice presidents (as may be prescribed in the constitution and bylaws of the corporation), a secretary, and a treasurer, and one or more assistant secretaries and assistant treasurers as may be provided in the constitution and bylaws.

(b) The officers of the corporation shall be elected in such manner and for such terms and with such duties as may be prescribed in the constitution and bylaws of the corporation.

USE OF INCOME; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any of its members, directors, or officers as such, or be distributable to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation in amounts approved by the board of directors of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan or advance to an officer, director, or employee of the corporation, and any officer who participates in the making of such a loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation, and its officers and directors as such, shall not contribute to or otherwise support or assist any political party or candidate for public office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 12. The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 13. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having any authority under the board of directors; and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 14. (a) The financial transactions shall be audited annually by an independent certified public accountant in accordance with the principles and procedures applicable to commercial corporate transactions. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be made by the corporation to the Congress not later than March 1 of each year. The report shall set forth the scope of the audit and shall include a verification by the person or persons conducting the audit of statements of (1) assets and liabilities, (2) capital and surplus or deficit, (3) surplus or deficit analysis, (4) income and expense, and (5) sources and application of funds. Such report shall not be printed as a public document.

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

SEC. 15. Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets, if any, of the corporation shall be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

TRANSFER OF ASSETS

SEC. 16. The corporation may acquire the assets of the National Fund for Medical Education, Inc., a corporation organized under the laws of the State of New York, upon discharging or satisfactorily providing for the payment and discharge of all of the liability of such corporation and upon complying with all laws of the State of New York applicable thereto.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 17. The right to alter, amend, or repeal this act is expressly reserved.

Mr. WATKINS. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

TERMINATION OF FEDERAL JURISDICTION OVER ALABAMA AND COUSHATTA TRIBES OF INDIANS OF TEXAS

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2744) to provide for the termination of Federal supervision over the property of the Alabama and Coushatta Tribes of Indians of Texas, and the individual members thereof; and for other purposes, which were, on page 2, line 21, strike out "in the State of Oklahoma," and on page 4, line 9, strike out all after "SEC. 7." down to and including "citizens" in line 12 and insert "Nothing in this act shall affect the status of the members of the tribes as citizens of the United States."

Mr. WATKINS. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

PARTITION AND DISTRIBUTION OF ASSETS OF THE UTE INDIAN TRIBE OF THE UINTAH AND OURAY RESERVATION, UTAH

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3532) to provide for the partition and distribution of the assets of the Ute Indian Tribe of the Uintah and Ouray Reservation in Utah between the mixed-blood and fullblood members thereof; and for the termination of Federal supervision over the property of the mixed-blood members of said tribe; to provide a development program for the fullblood members of said tribe; and for other purposes, which were, on page 2, strike out lines 8 to 11, inclusive, and insert:

(b) "Fullblood" means a member of the tribe who possesses one-half degree of Ute Indian blood and a total of Indian blood in excess of one-half, excepting those who become mixed-bloods by choice under the provisions of section 4 hereof.

On page 2, strike out lines 12 to 15, inclusive, and insert:

(c) "Mixed-blood" means a member of the tribe who does not possess sufficient Indian or Ute Indian blood to fall within the fullblood class as herein defined, and those who become mixed-bloods by choice under the provisions of section 4 hereof.

On page 18, line 21, strike out "effective date" and insert "date of enactment", and on page 24, line 12, strike out all after "SEC. 25." down to and including "citizens" in line 15 and insert "Nothing in this act shall affect the status of the members of the tribe as citizens of the United States."

Mr. WATKINS. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

BRUNHILDE WALBURGA GOLOMB, RALPH ROBERT GOLOMB, AND PATRICIA ANN GOLOMB

Mr. WATKINS. Mr. President, I ask the Chair to lay before the Senate the amendments of the House of Representatives to the bill (S. 1225) for the relief of Brunhilde Walburga Golomb, Ralph Robert Golomb, and Patricia Ann Golomb.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1225) for the relief of Brunhilde Walburga Golomb, Ralph Robert Golomb, and Patricia Ann Golomb, which were, to strike out all after the enacting clause and insert:

That, notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Brunhilde Walburga Golomb Hartsworm may be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of

State or the Department of Justice had knowledge prior to the enactment of this act.

And to amend the title so as to read: "An act for the relief of Brunhilde Walburga Golomb Hartsworm."

Mr. KNOWLAND. Mr. President, this matter has been cleared with the minority side. It will take but a moment.

Mr. McCARRAN. Mr. President, may we have an explanation of the bill?

Mr. WATKINS. Mr. President, this bill, which was passed by the Senate on April 5, 1954, provides for the admission into the United States of the fiance and the two minor children of Sgt. Robert F. Hartsworm, an American citizen-soldier. The fiance's name was listed as Brunhilde Walburga Golomb.

Thereafter, on July 1, 1954, Mr. Hartsworm notified the House committee that he had married his fiance last year, prior to his return to the United States. The House amended the bill accordingly by properly listing the name as Brunhilde Walburga Golomb Hartsworm.

I move that the Senate concur in the amendments of the House.

The motion was agreed to.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the concurrent resolution (S. Con. Res. 92) favoring the suspension of deportation in the case of certain aliens, which was, on page 6, strike out line 20.

Mr. WATKINS. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

IDENTITY OF CERTAIN COMMUNIST-INFILTRATED ORGANIZATIONS

The Senate resumed the consideration of the bill (S. 3706) to amend the Subversive Activities Control Act of 1950 to provide for the determination of the identity of certain Communist-infiltrated organizations, and for other purposes.

Mr. KNOWLAND. Mr. President, I understand that the pending question is on agreeing to the amendment of the Senator from Washington [Mr. MAGNUSON].

The PRESIDENT pro tempore. That is the pending question; and a unanimous-consent agreement has been entered regarding the time available for debate on that question.

Mr. KNOWLAND. Mr. President, I now suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

Mr. JOHNSON of Texas. Mr. President, as I understand, the time for this quorum call will not run against the time provided unanimously for debate on the pending measure.

The PRESIDENT pro tempore. As soon as the quorum call is completed, the time will start running.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gore	Murray
Bridges	Green	Pastore
Carlson	Hendrickson	Payne
Case	Johnson, Tex.	Potter
Chavez	Johnston, S. C.	Reynolds
Cordon	Knowland	Saltonstall
Crippa	Kuchel	Smith, N. J.
Dirksen	Lehman	Stennis
Duff	Magnuson	Watkins
Frear	Mansfield	Wiley
George	Martin	Williams
Goldwater	Monroney	Young

Mr. SALTONSTALL. I announce that the Senator from North Dakota [Mr. LANGER] is absent by leave of the Senate.

The Senator from Vermont [Mr. FLANDERS] is necessarily absent.

Mr. CLEMENTS. I announce that the Senator from Mississippi [Mr. EASTLAND], the Senators from North Carolina [Mr. ERVIN and Mr. LENNON], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from West Virginia [Mr. NEELY] are absent on official business.

The Senator from Alabama [Mr. SPARKMAN] is necessarily absent.

The PRESIDING OFFICER (Mr. PAYNE in the chair). A quorum is not present.

Mr. KNOWLAND. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. ANDERSON, Mr. BARRETT, Mr. BEALL, Mr. BENNETT, Mrs. BOWRING, Mr. BRICKER, Mr. BURKE, Mr. BUSH, Mr. BUTLER, Mr. BYRD, Mr. CAPEHART, Mr. CLEMENTS, Mr. COOPER, Mr. DANIEL, Mr. DOUGLAS, Mr. DWORSHAK, Mr. ELLENDER, Mr. FERGUSON, Mr. FULBRIGHT, Mr. GILLETTE, Mr. HAYDEN, Mr. HENNINGS, Mr. HICKENLOOPER, Mr. HILL, Mr. HOLLAND, Mr. HUMPHREY, Mr. IVES, Mr. JACKSON, Mr. JENNER, Mr. JOHNSON of Colorado, Mr. KENNEDY, Mr. KERR, Mr. KILGORE, Mr. LONG, Mr. MALONE, Mr. MAYBANK, Mr. McCARRAN, Mr. McCARTHY, Mr. McCLELLAN, Mr. MILLIKIN, Mr. MORSE, Mr. MUNDT, Mr. PURTELL, Mr. ROBERTSON, Mr. RUSSELL, Mr. SCHOEPPEL, Mr. SMATHERS, Mrs. SMITH of Maine, Mr. SYMINGTON, Mr. THYE, Mr. UPTON, and Mr. WELKER entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

The Senate is now proceeding under a unanimous-consent agreement, pursuant to which debate on the pending amendment is limited to 1 hour, divided equally, and controlled, respectively, by the Senator from Washington [Mr. MAGNUSON] and the Senator from Maryland [Mr. BUTLER]; and no amendment thereto which is not germane to the subject matter of the amendment may be received.

How much time does the Senator from Washington yield to himself?

Mr. MAGNUSON. I yield myself 20 minutes.

At the outset, Mr. President, by inadvertence on my part, on the amendment which is now before the Senate in the nature of a substitute the name of the distinguished junior Senator from New York [Mr. LEHMAN] was omitted as a cosponsor. I ask unanimous consent that his name be added as a sponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, before the Senate recessed last night, after the submission of the proposed substitute, I pointed out certain facts for the benefit of the Senate, and for the purpose of saving time of the Senate I placed in the RECORD what could be considered a chronological history of the proposal now before the Senate, and similar pieces of legislation.

I wish to point out again certain facts, which I think form a solid foundation for the contention that favorable consideration should be given to the suggestion made by myself and several other Senators that the Senate should adopt the pending amendment to S. 3706 in the nature of a substitute.

Practically every phase of the bill introduced by the Senator from Maryland [Mr. BUTLER], S. 3706, has been considered by the House of Representatives, which is now in virtual semiadjournment.

After hearings, Mr. President, both on the bill before the Senate now and the other bill which came up, the House Committee on the Judiciary, membership of which is composed of 16 Republicans and 14 Democrats, by unanimous vote in each instance did the following:

First, after hearings the committee by unanimous vote tabled the so-called communistic infiltration organization bill—I so designate the bill, since that was the name given to it—proposed by Attorney General Brownell, a bill which I say is similar to or almost identical to S. 3706.

Second, the House Committee on the Judiciary substituted for the Brownell screening bill a proposal for a study commission, which is suggested in the amendment in the nature of a substitute now before the Senate, which they said was virtually identical to the provisions of the so-called Magnuson proposal.

They point out in their report what is also set forth in the minority views in connection with the so-called almost "end around play" that was made later by the House Committee on Un-American Activities, in reporting a bill similar to Senate bill 3706, that the substitute proposal for a study commission was merely an extension of provisions of a bill which I am sure the Senator from Maryland [Mr. BUTLER] and I supported, the other so-called Magnuson screening bill, relating to waterfront and maritime matters. That statement appears in their report.

So the House Committee on the Judiciary, which is the permanent committee of the House which is now in virtual adjournment, to which bills of this character will have to be referred if they pass the Senate, considered these bills after long hearings, and took the action I have stated. That committee reported a bill virtually identical to the amendment in the nature of a substitute which is before the Senate.

I am stating these facts because I am sure all of us want to do something about Communist infiltration. But as a practical legislative matter, if the Senate passes the pending bill, in my opinion, in view of the House action on similar bills, we will finally have no bill at all, and we will not move along toward our chief goal.

Mr. McCARRAN. Mr. President, will the Senator yield for a question?

Mr. MAGNUSON. I yield for a question.

Mr. McCARRAN. Is it not true that Mr. VELDE, the chairman of the House Committee on Un-American Activities, now has an identical bill under consideration?

Mr. MAGNUSON. I will say to the Senator from Nevada that I pointed that fact out. That is correct; but I am relating what the permanent committee of the House did.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. MAGNUSON. I have only 20 minutes, and the Senator from Maryland has a half hour.

I have stated what the House did. It is my firm opinion that as a practical matter the House will not accept these two bills, judging from its previous action. This is not speculation. I have stated what the House actually did.

It is true, let me say to the Senator from Nevada, that the House Committee on the Judiciary, which is a permanent committee, would have jurisdiction to consider these bills in the House. No one has been a more zealous guardian of the jurisdictional prerogative in this body than the Senator from Nevada [Mr. McCARRAN], so far as the jurisdiction of the Committee on the Judiciary is concerned. The House Committee on the Judiciary considered a similar bill, held long hearings, and came up with the proposal which is now before the Senate in the form of a substitute.

Later on, in what I call some kind of an "end around play," the House Committee on Un-American Activities reported a bill which, I think, is almost identical to S. 3706.

Mr. BUTLER. Mr. President, will the Senator yield on my own time?

Mr. MAGNUSON. Yes.

Mr. BUTLER. Does the Senator from Washington not believe that the Senate should go ahead and legislate, and not try to second guess the House of Representatives, especially after the President of the United States within the past several days has said he desires to have this bill passed?

Mr. MAGNUSON. Is that a question?

Mr. BUTLER. That is a question, yes.

Mr. MAGNUSON. Very well. The President of the United States has been in favor of many bills, but the Congress has the power to legislate, and that is what we are doing.

Mr. BUTLER rose.

Mr. MAGNUSON. I refuse to yield. I am going to answer the Senator's question.

It seems that every time some Member of Congress marches down to the other end of the avenue he comes back with a new list of must bills. In other words, they get orders to pass certain bills.

Some of the legislative proposals are good. Some of them I have opposed. But Congress is the legislative body. I am pointing out the practical situation.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. MAGNUSON. No. I refuse to yield, because I have only 20 minutes.

Mr. BUTLER. I will ask my question and have it charged to my own time, if the Senator does not mind.

Mr. MAGNUSON. Let me finish my statement.

Mr. BUTLER. The Senator from Washington did not answer my question.

Mr. MAGNUSON. I will answer it.

Mr. BUTLER. My question was: Does the Senator not think that the Senate should go ahead and legislate on its own responsibility, and not try to second-guess the House of Representatives as to what it is going to do?

Mr. MAGNUSON. I do not think I am second-guessing what the House of Representatives is going to do.

Mr. BUTLER. I think the Senator from Washington is.

Mr. MAGNUSON. I am answering the Senator's question. I think I know what the House of Representatives is going to do.

Mr. BUTLER. I think I know, too.

Mr. MAGNUSON. I think I know. I know the House pretty well. I served in that body for many years. I know what the House is going to do. I know the situation they face now.

I am saying that if the Senate desires to do something about the subject matter of the pending bill—a subject matter which I tackled in 1950 with my own bill, although it related only to maritime matters—the Senate ought to go ahead and act by adopting the amendment I have offered, to which the House will agree because the permanent committee of the House unanimously agreed to it.

It is said that the President of the United States wants this bill passed. There are 16 Republican Members of the House on the Committee on the Judiciary who apparently did not want it. This bill, if passed, will have to be sent to the House Committee on the Judiciary. That is the only place where it can be sent.

The House Un-American Activities Committee did report a bill similar to S. 3706, but without hearings at all, and there were only five members of the committee present at the meeting when the action was taken.

What I have referred to was the unanimous report of the House Committee on the Judiciary, with a membership of 16 Republicans and 14 Democrats.

What else did the House do? This is not second-guessing. I am stating facts. What else did the House do? Instead of going to the country and saying, "Oh, we passed in the Senate some sort of an anti-Communist bill," if we want to do something solid and intelligent about this subject and get something actually accomplished, the pending amendment should be agreed to. We are all trying to reach the same objective.

What else did the House do? After extensive hearings, the House Committee on Education and Labor, which is concerned with this problem because of the question of infiltration of Communists into unions, refused to report favorably the so-called Rhodes bill, H. R. 3993, which is a companion bill to the bill introduced by the Senator from Arizona [Mr. GOLDWATER], and almost identical with the bill introduced by the Senator from Maryland [Mr. BUTLER] which is now before the Senate.

There are two House permanent committees which have refused to report favorably on this bill. It was not because they did not want to accomplish the objective sought, but rather that they thought the bill did not provide the way to go about it.

The third point I have already discussed, but I think the record ought to be clear. This is not second guessing anything. After the two permanent House committees had discussed this very matter, and the House Committee on Un-American Activities, with only 5 of its 9 members present, without any legislative hearings whatsoever, either pro or con, without any advance notice, and after less than 1 hour of committee discussion, reported the bill which is the companion bill to S. 3706.

Mr. CASE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I do not have time. I have only 20 minutes. I shall be glad to yield later if I have any time left.

What did that House Committee on Un-American Activities do? Only 5 of the 9 members were present, and 3 of those members have submitted for the perusal of Congress minority views on a bill very similar to the one now before the Senate.

The minority views are signed by the distinguished, long-time Member of the House, Representative FRANCIS WALTER, of Pennsylvania, who also is and has been for many years one of the senior members of the House Committee on the Judiciary; Representative CLYDE DOYLE, of California, who also is a member of the House Committee on Un-American Activities; and Representative JAMES B. FRAZIER, of Tennessee, who is a member of both the Committee on the Judiciary, and the Committee on Un-American Activities. They signed the minority views, in which they pointed out some of their apprehensions about the bill similar to the one now before the Senate, and strongly suggested that there be adopted a measure such as has been suggested by my proposed amendment in the nature of a substitute.

On June 1, 1954, the Wall Street Journal published an editorial with respect to this matter. I would not say that the Wall Street Journal was an organ of any of the so-called radical left-wingers or of the Communist Party. However, the Wall Street Journal points out in its editorial as follows:

> We recognize the trying task the Attorney General and his law officers face in combating the secret and sinister Communist intrigue. But it is not the part of wisdom ourselves to chip away at the very rights we seek to save from that menace.

Other editorials of the Wall Street Journal which I have placed in the RECORD have pointed out that the best way

to handle the situation is by such a proposal as is contained in my amendment in the nature of a substitute.

The minority views also point out the apprehensions of the good, solid American labor unions. All the labor unions and railroad brotherhoods, including the American Federation of Labor, the Congress of Industrial Organizations, and, I believe, the United Mine Workers, have expressed themselves unanimously to be of the view that although they favor the objectives sought by the pending bill, nevertheless the bill would not accomplish those objectives to any extent whatsoever. It is their belief that there should be some sort of study made—and my proposed amendment in the nature of a substitute would provide for that—and that a report should be made to Congress by January 15, 1955, so that Congress can begin to consider the question in a wise, intelligent way.

The New York Times, also, in a series of editorials, has discussed the matter, and has become concerned about it. Yesterday morning the Times published another editorial, which I believe is either the fourth or the fifth it has published along these lines in the past month. The editorial suggests a measure which is similar to my amendment in the nature of a substitute.

The minority views of the House Committee on Un-American Activities also point out that probably there are certain so-called unions which might be under some form of communistic domination, and undoubtedly the leadership of such unions seeks to promote the interests of those who are engaged in subversive activities. The minority views, however, state:

> Every indication, however, is that this situation is improving rather than growing worse, and that it is being successfully handled by the workers themselves, without Government intervention. The testimony before the House Judiciary Committee on House Joint Resolution 528—and that committee, unlike this one, held hearings—was that out of some 13 unions which in 1949 were Communist-dominated, half of them have by now entirely disappeared, while the others have lost substantial membership. This testimony further showed that this process is a continuing one: within recent weeks the Communist-dominated unions have suffered further substantial loss of membership.
>
> We agree that so long as a single Communist misleader of labor remains in a union office there is no occasion for complacency. But, when the situation is getting better and not worse, neither is there occasion for hysteria.

Mr. President, there are many provisions in the pending bill which, in my opinion as a lawyer, would cause undue harm in connection with the brilliant and almost unending fight which the solid American labor unions are making to rid themselves of any semblance of communism in their ranks, whether by infiltration or domination.

I sometimes think that if Congress were hastily to pass a bill with the provisions contained in the Butler bill, which is similar to the bill that was reported by the House Committee on Un-American Activities with only 5 of its members present, and 3 of those members submitting strong minority views, we might find ourselves not moving along the road toward abolition of Communist infiltration in the United States, but we might be slowing ourselves up.

Again, as a practical legislative matter, and not as a second guess, the House Committee on the Judiciary, to which the Senate bill would be referred if the Senate should pass the bill, is now virtually in adjournment, after having held weeks of long hearings on bills practically identical with the one now before the Senate, and having reported unanimously—14 Democrats and 16 Republicans; not a dissenting vote—a proposal such as is suggested in my amendment in the nature of a substitute.

I want to fight communism. I think I introduced, in 1950, one of the first bills ever to be introduced in Congress to fight the infiltration of communism along the waterfronts of the Nation. My proposal then was for the establishment of a commission representing industry, labor, and the Government itself. That commission has done a very good job along the waterfronts of America, with some rare exceptions, and the commission is still working on those cases. So I bow to no one in my conviction that the Government should do everything it can to abolish communism or the infiltration of communism into the labor unions. I shall continue to work steadily toward that end.

But, as has been pointed out so brilliantly in the editorials which have been published in the Wall Street Journal, the New York Times, and other newspapers throughout the country, there is only one way in which to accomplish this objective. In my opinion, hasty action on a bill such as the one now before the Senate might set us back, no matter how high the motives or how good the intentions of those who sponsor the bill may be in achieving the goal we all seek to reach.

As a practical legislative matter, and as many of us view the situation, I think the amendment in the nature of a substitute should be agreed to. Then I think we shall continue to move along in the fight against communism. But to pass a bill such as the Butler bill in the closing days of this Congress might result in more harm than good and in a failure to accomplish the purpose which is sought to be achieved.

Even yesterday morning the New York Times published another editorial, in which it said:

> The closing days of a legislative session provide hardly the proper atmosphere for considered debate on anything, least of all on such controversial matters as those affecting constitutional rights and civil liberties. That is why an extra word of caution is appropriate now against hasty enactment of laws in this delicate field.
>
> A number of bills are in various stages of passage that have the laudable aim of protecting the Nation against the dangers of Communist infiltration, but in their wide scope and broad phraseology may themselves contain unintended dangers to the American people.

I underscore the words "unintended dangers to the American people." I continue to read:

> For a bill to be desirable, it is not enough that it be merely labeled anti-Communist. In our anxiety to defend ourselves against Communist subversion we do not want to open the way to a comparable subversion of our institutions from a different direction. The path of commonsense and of moderation must be scrupulously followed if we are not to lose everything we seek to preserve.
>
> In some instances during the present session the appropriate committees of House or Senate have shown commendable restraint by withholding or modifying proposals that—however well intentioned—might have proved to be serious infringements on American liberty. For example, the House Judiciary Committee last month shelved two bills that created threats to civil liberties in their efforts to deal with Communist infiltration of industrial plants and of unions. Instead, the commitee proposed a commission to investigate the entire problem. It would be well if both House and Senate acted on this suggestion.

Mr. President, that is exactly what is before the Senate. I am certain that members of the opposite party would not shy away from the suggestion that a commission be appointed to study this question, because the present administration has created commissions to study many things. More commissions have been created in the past 18 months, I think, than were created in the previous 5 or 10 years. Commissions have been appointed to study almost everything—to study trade practices, maritime conditions, aviation, government, and many other subjects. Unfortunately, some of the commissions have not submitted reports, but under the pending amendment the commission provided for would report on January 15. This is what Republican and Democratic Members of the House unanimously said Congress should do and is what they would agree to. If the pending bill is passed, it will go back to the House Judiciary Committee, and will have to buck the unanimous opinion of the committee, despite the fact that there has been a suggestion that this is one of the "must" bills.

The PRESIDING OFFICER. The time the Senator from Washington allotted himself has expired.

Mr. MAGNUSON. Mr. President, I am sure the Senator from Maryland would not object to my continuing.

The PRESIDING OFFICER. The Senator from Washington has 10 minutes remaining.

Mr. MAGNUSON. I thought the half hour had not expired.

The PRESIDING OFFICER. Does the Senator yield himself the remainder of the time?

Mr. MAGNUSON. I yield myself an additional 5 minutes, and then I shall yield 5 minutes to the Senator from New York [Mr. LEHMAN].

Mr. President, I could put into the RECORD well-thought-out editorial opinions from reliable, sensible, and surely anticommunistic newspapers. I could put into the RECORD well-thought-out letters written by persons who might be affected by the bill and who are as anticommunistic and just as good Americans as any Member of this body. We are approaching the problem in the wrong way in the last days of the session. I believe the adoption of the amendment in the nature of a substitute would result in our moving in the right direction.

On July 14, the Wall Street Journal published an editorial on the bill, suggesting that it might become a legal scattergun and might in effect stop us from moving along the path in which we want to move.

Mr. President, I yield the remainder of my time, and will yield to the Senator from New York.

Mr. CASE. Mr. President, before the Senator yields to the Senator from New York, will he yield to me so that I may ask a question?

Mr. MAGNUSON. I yield for that purpose.

Mr. CASE. Is it not a fact that several committees of the Congress, including the House Un-American Activities Committee, during the course of many years have been taking testimony on Communist infiltration in certain labor organizations?

Mr. MAGNUSON. Yes.

Mr. CASE. It seems to me that the time to act has come.

Mr. MAGNUSON. Surely, testimony has been taken on the whole broad question, but it is one thing to take testimony on the broad problem and another thing to take testimony on a specific, legal proposal in a bill. The House Judiciary Committee, which had held hearings on these very same proposals for weeks, unanimously reported the proposal that is now before the Senate in the nature of a substitute.

Mr. CASE. Four or five years ago, when I was a member of the committee, it was taking testimony.

Mr. MAGNUSON. The committee made a broad inquiry, but even then the members disagreed. I suggest to the Senator from South Dakota that he read the very cogent and pointed minority views of the members of the House Un-American Activities Committee.

Mr. MANSFIELD. Mr. President, will the Senator yield for a question?

Mr. MAGNUSON. I yield to the Senator from Montana.

Mr. MANSFIELD. Why would it not be better to pass bills which many of us have introduced to outlaw the Communist Party, in order to meet the issue head-on, and make the cleavage sharp and clean once and for all?

Mr. MAGNUSON. I have no objection to that, but I think the whole problem would be better solved at this time by adopting the amendment in the nature of a substitute, particularly in view of the fine work which the American labor unions have been doing. It must be remembered that in some unions the membership runs into millions. As was stated by the Wall Street Journal, which surely is an anti-Communist newspaper, the bill may become in effect a legal scattergun. The proposal is that the Congress should do the job in a manner in which the House Judiciary Committee said it should be done.

Mr. President, I yield the remainder of my time to the Senator from New York.

Mr. LEHMAN. Mr. President, I rise in support of the Magnuson substitute, of which I am very proud to be a cosponsor. I spoke at length yesterday on the pending bill, S. 3706. I pointed out that, in my opinion, S. 3706 was not only a highly dangerous bill, but completely useless.

Mr. President, I wish to say that I do not in the slightest degree minimize the threat of communism, and I yield to no Member of this body or to any person anywhere in my determination to block the nefarious efforts of the Communists, who, as we all know, are taking their orders in the main from a foreign power which is our enemy. However, I think we would be doing an extremely unwise thing if we passed a blunderbuss bill for the ostensible purpose of rooting out Communists from the labor movement, while we overlooked the fact that this bill, which would not, in fact, truly control or limit Communist activities, would instead constitute an extremely serious threat to the great organized labor movement in this country.

This bill would place in the hands of an Attorney General who might be antagonistic to labor, a powerful weapon to cripple labor, to break strikes, to prevent efforts to organize labor in areas where labor is weak or unorganized, and finally would penalize millions of hard-working patriotic men and women who are just as loyal to the interests of this country as is any Member of this body. The bill has the opposition of every branch of responsible organized labor.

I had printed in the RECORD yesterday certain views which were expressed by the great leaders of organized labor. These leaders want to protect this country; they do not want to let Communists hurt this country; but they also want to make certain that in the blunderbuss, hasty efforts to pass a bill, which has already been repudiated by a responsible committee of the House of Representatives, the organized labor movement itself is not made to suffer beyond repair.

I have said that, in my opinion, this bill would be a useless one. It would not hurt the Communists in any way. The bill would give protection by way of court action and appeals and the right to be heard by the legal tribunals, as should be provided; but, Mr. President, such legal procedures might, and probably would, take years and so many years might elapse before there would be any effective control of Communists in labor unions.

We know that under the Internal Security Act, action has been taken against the Communist Party itself. At that time—it was in 1950—I predicted that it would be 2 years before any determination of that action would be made. Mr. President, I was far too conservative, for here we are already approaching 1955—it has been nearly 5 years—and still no determination has been had in that case. As far as I know the case has not even been heard by the Supreme Court of the United States. In my opinion the same situation can and will be duplicated in every proceeding that is initiated under this bill.

Mr. President, this is a highly important matter. Action should not be taken lightly. It should not be taken without weighing the implications and the probable results.

What the Senator from Washington [Mr. MAGNUSON] and I have proposed, and what has been proposed by the Judiciary Committee of the House of Representatives, is that a commission of 12 members be appointed by the President of the United States, consisting of men and women who are outstanding leaders of labor, of business management, and of the general public. Our amendment provides that the commission shall report its findings on or before January 15, 1955, to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. LEHMAN. Then, Mr. President, I ask unanimous consent to have printed in the RECORD, as a part of my remarks, a memorandum which has been prepared in connection with Senate bill 3706.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

AUGUST 9, 1954.

MEMORANDUM

SUMMARY OF S. 3706

S. 3706 would amend the Subversive Activities Control Act of 1950 so as to enable the Subversive Activities Control Board on petition filed by the Attorney General to determine whether any organization named in the petition is Communist-infiltrated. It does not in terms apply to unions, but the consequences which follow a determination by the Board that an organization is Communist-infiltrated are such as to apply effectively only to unions.

The bill defines a Communist-infiltrated organization as "any organization in the United States (other than a Communist-action organization or a Communist-front organization) which (A) is substantially directed, dominated, or controlled by an individual or individuals who are, or who within 5 years have been actively engaged in, giving aid or support to a Communist-action organization, a Communist foreign government, or the world Communist movement referred to in section 2 of this title, and (B) is serving, or within 5 years has served, as a means for (i) the giving of aid or support to any such organization, government, or movement, or (ii) the impairment of the military strength of the United States or its industrial capacity to furnish logistical or other material support required by its Armed Forces."

The bill lists seven factors which the Board is to take into consideration in determining whether an organization is Communist-infiltrated within the meaning of this definition. These are similar to those presently set forth in subsections (e) and (f) of section 13 of the Subversive Activities Control Act of 1950, and are substantially as follows:

(1) The extent to which the management of the organization is in the hands of one or more individuals who are, or within the past 5 years have been, members, agents or representatives of any Communist organization, Communist foreign government, or the world Communist movement, or have been actively engaged in giving aid or support to the same, with knowledge of the nature and purpose thereof;

(2) The extent to which the policies of the organization are, or within the past 5 years have been formulated and carried out under the direction or advice of any member, agent or representative of any Communist organization, government or movement;

(3) The extent to which personnel or resources of the organization are, or within the past 5 years have been, used to further or promote the objectives of any Communist organization, government or movement;

(4) The extent to which within the past 5 years the organization has received from, or furnished to or for the use of, any Communist organization, government or movement any funds or other material assistance;

(5) The extent to which the organization is, or within the past 5 years has been, affiliated in any other way with any Communist organization, government or movement;

(6) The extent to which the affiliation of the organization or of any individual or individuals who are members of the organization or manage its affairs, with any Communist organization, government or movement is concealed from or not disclosed to the membership of the organization; and

(7) The extent to which the organization or any of its members or managers are, or within the past 5 years have been, knowingly engaged in conduct punishable under the criminal penalties provided for in the Subversive Activities Act of 1950, or under the chapters of the Criminal Code dealing with espionage and censorship, sabotage, and treason, sedition and subversive activities.

The bill provides that whenever the Attorney General has reason to believe that any organization is Communist infiltrated he shall file with the Subversive Activities Control Board a petition for a determination by the Board to that effect. If the Attorney General certifies that the proceeding is one of exceptional public importance, the proceeding is to be expedited to the greatest practicable extent before the Board and in the courts. Generally speaking the procedures before the Board follow closely those provided for in the Subversive Activities Control Act of 1950 with regard to Communist-action or Communist-front organizations. An organization determined to be Communist infiltrated could file a petition with the Board for a determination that such organization no longer is a Communist-infiltrated organization, but such a petition could not be filed until at least a year had passed after a determination that it is Communist infiltrated, nor more frequently thereafter than once each year.

The effect of a determination by the Subversive Activities Control Board that an organization is Communist infiltrated would be to deprive it of its standing as a labor organization for purposes of the National Labor Relations Act, as amended by the Taft-Hartley Act. It would be ineligible to act as representative of any employee for purposes of either section 7 (protecting the right to organize and bargain collectively) or section 9 (providing procedure for the selection of employee representatives for collective bargaining purposes) of that act. And it would also be prohibited from obtaining any hearing before the National Labor Relations Board on any charge of unfair labor practice brought against an employer under section 10 of the act. The organization would be deprived of the right to "exercise any other right or privilege, or receive any other benefit, substantive or procedural, provided by such act for labor organizations."

The bill further provides that a determination that a union which is certified as bargaining representative of the employees in a bargaining unit under the Taft-Hartley Act is Communist infiltrated would have the effect of raising a question of representation within the meaning of section 9 (c) of the National Labor Relations Act as amended. If a petition were filed by not less than 20 percent of the employees in a bargaining unit or by "any person or persons acting in their behalf" the National Labor Relations Board would be required to direct an election in the unit for the selection of a representative for collective-bargaining purposes and to determine whether the employees wish to rescind the authority they previously granted to the proscribed labor organization to represent them in collective bargaining with their employer.

COMMENTS ON S. 3706

The following specific comments may be made on S. 3706:

(1) It is a documented fact (see Senate Document No. 89, 82d Cong., 1st sess., Communist Domination of Certain Unions, being the reports of committees of the CIO executive board on charges brought against 9 unions affiliated with the CIO which resulted in the expulsion of these 9 unions from the CIO) that Communists have infiltrated certain unions and have sought to manipulate these organizations for their own purposes rather than for legitimate trade-union objectives. To the extent that these unions represent employees in plants engaged in activities relating to the national defense, this fact is a matter of great concern, not only to those in the Government whose specific duty it is to protect the national security, but also to every American citizen who is devoted to the maintenance and preservation of our way of life.

(2) The bill seeks to deal with the problem of Communist-dominated unions by utilizing the procedures provided for in the Subversive Activities Control Act of 1950 for their identification as such and by depriving unions so identified of the protection and procedure afforded employees and unions in the National Labor Relations Act, as amended. Its provisions raise questions as to (a) its effectiveness in achieving the purpose for which it is designed, (b) its implications for the labor-union movement in general, which is overwhelmingly loyal and anti-Communist in its beliefs and activities, and for employees the great majority of whom are also loyal and anti-Communist, who are presently represented by Communist-dominated unions, and (c) its effects in broadening and intensifying Government control in an area of activity which is particularly difficult to deal with successfully by legislation and governmental action.

(a) With respect to the effectiveness of S. 3706 in achieving the purposes for which it is designed, it may be pointed out that more than 3 years have elapsed since proceedings were first instituted before the Subversive Activities Control Board for a determination that the Communist Party is a Communist-action organization within the meaning of the Subversive Activities Control Act of 1950. No final determination has yet been reached. There is no reason to believe that a determination that a union is Communist-infiltrated can be reached any more expeditiously.

Both the initiation of a proceeding under the bill and the long period of time that would be required to secure a final determination would, in all probability, be welcomed by the Communist infiltrators of the union, who would use them as proof that the union was in danger and needed the loyal support of all its members. This would be an added barrier that the anti-Communist unions would have to break down in their efforts to persuade their members to throw off the yoke of Communist domination and return to the fold of the free democratic trade union.

The effective way to deal with the problem of Communists in unions is not through legislation, but through the organizing activities of the free democratic unions in the A. F. of L. and the CIO. That this is the most effective method of dealing with this problem is demonstrated by the fact that more than three-fourths of the nearly 1 million members who belonged to the unions expelled from the CIO in 1949–50 have returned to the CIO and are no longer members of those unions. Today those unions are weak and are dwindling in number and importance every day. It would be unfortunate if anything were done which would slow down this healthy process, such as the enactment of the cumbersome procedures provided for in S. 3706.

If any Government action is to be taken in this field, it should be preceded by careful study and thought. The House Judiciary Committee has proposed that a bipartisan commission be established to undertake a thorough review of the problem of Communist dominated or infiltrated unions and of defense plant security. This action has the support of the major labor organizations. It constitutes a far more effective approach to the problem than that proposed in this bill.

(b) With respect to the implications of the bill for the labor movement in general and for the members of unions that may be proscribed under its provisions, the looseness and vagueness of the standards for determining whether a union is Communist-infiltrated are an invitation to antiunion employers and other individuals to use the bill to destroy unions.

Thus, the definition of a "Communist-infiltrated" organization is one which is dominated by an individual or individuals "actively engaged in" a Communist organization, etc. What is meant by "actively engaged in"? Does it include mere membership in a Communist organization?

A union could be proscribed if its "effective management" was conducted by one or more individuals who are, or within 5 years have been, members, agents, or representatives of any Communist organizations, any Communist foreign government, or the world Communist movement, "with knowledge of the nature and purpose thereof." What does "effective management" mean in this context? What "knowledge of the nature and purpose" of "any Communist organization," etc., is required?

To what extent must the policies of a union be carried out "pursuant to the direction or advice of any member, agent, or representative" of a Communist organization, Communist foreign government, or the world Communist movement, as provided in paragraph (2) of the standards, in order to condemn the union? Is a showing of mere coincidence of policies sufficient, or must something more be shown? If so, what else?

The third standard refers to the furtherance or promotion of the objectives of Communist organizations, etc. There have been instances in the past, as, for example, during World War II, when some of the objectives of Communist organizations and of loyal Americans have been the same. Under the bill it is possible that if some of the objectives of a legitimate organization coincide with those of a Communist organization, the organization could be deemed to be Communist infiltrated.

Paragraph 5 of the standards contains a blanket basis for condemnation, namely, affiliation "in any other way" with any Communist organization, etc. This is a wide open provision extending "guilt by association" in such a way as to enable the Subversive Activities Control Board to condemn any organization which the Board, depending on the individual predilections of its members, believes should not be entitled to use the facilities of the National Labor Relations Board.

Finally, the Board is to take into consideration whether or not "the affiliation of such organization, or of any individual or individuals who are members thereof or who manage its affairs" with a Communist organization, etc., "is concealed from or is not disclosed to the membership" of such organization. This would appear to mean that a union officer or agent can deny Communist ties only at the peril of the organization, for if it is alleged that he has such ties, the organization can be proscribed on the ground that he did not make full disclosure to the membership.

The significance of these loose and indefinite standards must be considered in the light of the fact that there still are many persons in certain sections of this country who still look upon unions as alien elements in our society. These are times when even

the most unfounded charges can get a hearing and when an individual with a grudge against the union or one of its active members could subject the union to lengthy proceedings before the Subversive Activities Control Board. The bill would give a weapon to the unscrupulous employer who wished to use it for his own purposes in frustrating the organization of his employees and undermining legitimate trade-union activities.

While unions can be condemned under the bill simply by virtue of the affiliations and activities of alleged "Communist infiltrators," nothing can be done under the bill to penalize or halt the activities of these same infiltrators.

It will be noted, furthermore, that the bill specifically excludes Communist-front and Communist-action organizations. Under the Subversive Activities Control Act these organizations are only required to register. While the Communist Party, therefore, could still lawfully exist, organizations that are "infiltrated" by Communists would be liquidated by denying them access to the National Labor Relations Board. This hardly comports with reasonable national security considerations.

To the extent that the bill is effective in identifying certain unions as "Communist infiltrated" it will have the effect of eliminating for employees who are members of such unions the possibility of resort to the orderly procedures of representation and collective bargaining provided for in the National Labor Relations Act, as amended. While it is probable that many of them may join other unions, many may not, and trade unionism as a whole will suffer. Possibly if this bill afforded the only effective means of dealing with the problem of Communists in unions, this is a cost which could be borne. In the face of indisputable evidence, however, that the bill can hardly be as effective in dealing with this problem as the efforts of the unions themselves have been, it is a cost which the labor union movement could well be spared.

(c) With respect to the matter of Government control of unions, a major effect of S. 3706 would be to place in the hands of the Attorney General and the Subversive Activities Control Board, the power to determine whether a union shall be entitled to the benefits and procedures provided for in the National Labor Relations Act, as amended. One of the fundamental characteristics of a free society is that individuals should be free to join whatever organizations they feel will best promote and protect their interests and that neither they nor those organizations should be subject to Government dictation in this respect. On the other hand, it is one of the hallmarks of dictatorship, whether of the Fascist or Communist variety, that organizations are permitted to exist and function only under the direction and sufferance of the Government.

President Philip Murray, of the CIO, pointed this out in a letter to Senator HUMPHREY in 1952, saying:

"We believe that if the Government undertakes to determine what unions can represent workers in this country it will have embarked upon the long trail toward Government control of unions. In the dictatorships of the world, unions exist at the sufferance of the State. We in America do not want to take a single step in that direction."

This position was reiterated by the CIO executive board at its meeting on March 22 of this year. Its statement on this problem issued at that time said:

"To sacrifice the dividends of fredom now enjoyed by the members of our unions for the very grave disadvantages of Government control and regulation would be as illogical as it is unnecessary. To the same degree, it would be a mighty victory in the Communist efforts to discredit free labor in America and the validity of our American democratic institutions. The masters of the international Communist conspiracy, acting from the standpoint of long-range strategy, would gladly exchange control of a few insignificant and weak Communist-led unions for government shackling of our whole free trade union movement, just as they welcome any setback to America's healthy economy and expanding democracy."

Similar views were voiced by President George Meany, of the A. F. of L., in testimony before the House Judiciary Committee.

This bill could be a very damaging weapon in the hands of an antilabor administration. The mere publication of charges against a union alleging that it was infiltrated by Communists could well be a death blow to the organization, particularly if made in the midst of an organizing campaign or a strike. It would take many months or possibly years before the union could clear itself of the allegation, even if the allegation were wholly without foundation.

Our national policy in the field of labor-management relations is founded on voluntary organization of workers in unions and free collective bargaining. These cannot exist, however, where Government undertakes to regulate, not only the relations between unions and employers, as provided in the Taft-Hartley Act, but even the kind of unions that may maintain such relations.

This bill raises important issues of labor policy. Yet, it has not been considered by our Committee on Labor and Public Welfare. Furthermore, at the hearings held by the Butler subcommittee on proposals for dealing with the problem of subversive activities in labor unions the subcommittee heard testimony only from witnesses who were either ardent advocates of the bills or who represented unions which would be directly affected by the provisions of the bill. No representatives of the A. F. of L. or the CIO testified at the hearing. The views of these organizations are found only in communications to the subcommittee which are printed at the very end of the volume of the printed hearings. The subcommittee was evidently not interested in the views of these representatives of labor who have had long experience in dealing with the problem of communism in unions and who have achieved a remarkable record of driving out of the labor movement those who would subvert it in the interest of the Communist movement.

Mr. BUTLER. Mr. President, has all the time of the proponents of the pending amendment expired?

The PRESIDING OFFICER. It has expired.

Mr. BUTLER. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 5 minutes.

Mr. BUTLER. Mr. President, the proponents of the amendment by way of a substitute have said the pending bill is a hastily conceived one. Last night, I went to great lengths to emphasize to the Senate that such is not correct. I would refer the Senators to my remarks in that regard appearing on page 14097 of yesterday's CONGRESSIONAL RECORD.

Mr. President, the burden of the argument of the proponents of the amendment simply surrounds the proposition that the Internal Security Subcommittee of the Judiciary Committee of the United States Senate, which under the law has the responsibility of determining that the Internal Security Act of 1950 operates justly and satisfactorily, should be displaced by a commission to be appointed by the President of the United States. I object to such a procedure. I think the Senate of the United States is fully capable, through its committees, of conducting its own business and discharging the obligation placed upon it by the Internal Security Act of 1950. So I resent the suggestion that the Congress of the United States should be augmented by a Presidential commission to tell it how to operate one of its duly organized committees. I say to the Senate, most emphatically, this amendment is but a device to postpone consideration of this bill. So I am opposed to it.

As I said to the Senator from Washington [Mr. MAGNUSON], irrespective of what the committees of the House of Representatives may do, irrespective of what the House of Representative itself may do, it is our duty, as Members of this great body, to legislate on our own bills, and not to try to prognosticate what the House of Representatives will do with a bill, after we pass it.

The proponents of the amendment by way of a substitute say the situation is improving, and that we should permit the union leadership and membership to continue to purge itself of communism. Let us examine that contention for a brief moment, Mr. President.

We in the Internal Subcommittee have been holding hearings throughout the country on that very situation. What do we find? We find admitted and avowed Communists at the head of some of the most powerful unions in this country—unions that sit astride our most vital communications; unions that have to do with the mining of our metals; unions composed of electrical workers, that have to do with radar and other sensitive communications equipment which are manufactured in various plants throughout the country. Those men, I say to the Senate, have been known to be Communists year in and year out. They are still Communists, and they are still holding the same offices they held in those unions when we first initiated these investigations.

Much has been said by Senators on the other side of the aisle about how they have been working on this problem since 1950. Mr. President, if they have been working on it since 1950, and have taken volumes of testimony, where are their recommendations? Where is the bill which would correct what all of us know exists today? Where is their proposed legislation?

Mr. MAGNUSON. Mr. President, will the Senator from Maryland yield?

Mr. BUTLER. I am very glad to yield to the Senator from Washington.

Mr. MAGNUSON. What I said related only to maritime matters.

Mr. BUTLER. I am not referring to the Senator from Washington. Furthermore, his bill has been passed.

But we have heard many other Senators say, within the last day, that they held very comprehensive hearings, and that they are very much worried about the problem, and that they know it exists.

I ask the Senate of the United States, where are the fruits of their labors? Where is the legislation?

The PRESIDING OFFICER. The 5 minutes allotted to the Senator from Maryland have expired.

Mr. BUTLER. Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator from Maryland is recognized for an additional 5 minutes.

Mr. BUTLER. Mr. President, I wish to say that this bill has been drafted and redrafted. Parts of this legislation came from as many as 4 or 5 other bills which have been introduced in either 1 or the other of the 2 Houses of the Congress. The bill is not a hastily conceived one. All of us know that we have been taking testimony and holding hearings on this matter for many, many years, in both Houses of the Congress.

This bill may not be a perfect one. If not, as a member of the Internal Security Subcommittee I shall be the first one to come on this floor and offer an amendment to rectify any injustice or any inequity which may develop in its administration. I have no desire to hurt any labor union. I do not think the bill will injure any legitimate labor union. But this bill will hurt a union that is Communist-infiltrated and Communist-dominated, and that should be the aim of every Member of this great body. Communists who control or dominate United States labor unions are the persons we here seek to reach. We wish to eradicate them from the American labor scene.

Mr. President, some Senators contend the bill cannot possibly pass the House of Representatives. I say that we should completely disregard that statement, for the reason that the Senate is traditionally and historically an independent legislative body. It should in its own wisdom pass on the legislative proposals before it, and should not try to forecast the action of the other body.

But, Mr. President, I can tell you confidently that the President of the United States wants the bill. I can tell you confidently that the Attorney General of the United States has approved it; and I do not think the President of the United States and the Attorney General of the United States would endorse and support any bill which would hurt any legitimate labor organization.

Mr. President, in closing these brief remarks, let me say that the Senator from Washington—I am sorry he is not now in the Chamber—last night made reference at page 14164 to a letter which had been written to him by Albert J. Fitzgerald, general president of the United Electrical, Radio, and Machine Workers of America, and introduced into the RECORD a copy of that letter. When Mr. Fitzgerald was before the Internal Security Subcommittee task force of which I am chairman, what was his response when asked whether or not he was a Communist? For the information of the Senate, I refer to page 236 of the hearings on this bill. After having been asked by the Senator from Mississippi [Mr. EASTLAND], "Your officials have never been members of the Communist Party?" Mr. Fitzgerald replied:

MR. FITZGERALD. So that we will not waste time, and we will get back to it later on when I get to my part of the testimony, for the present time, I suppose you want me to claim the privilege of the fifth amendment, which I will do.

Senator BUTLER. We do not want you to claim anything.

Mr. FITZGERALD. Then I will claim it, sir.

Mr. ARENS. Do you feel that a truthful answer to the question by the Senator from Mississippi will furnish information which might be used in a criminal prosecution of you?

Mr. FITZGERALD. I feel that under the Constitution of the United States that I have the right to claim the privilege of the fifth amendment.

I shall read from page VI of the report of the task force growing out of the investigation of that union in the Pittsburgh area, the conclusions that we arrived at:

The testimony establishes that there exists in the area of Pittsburgh, Pa., a serious potential danger to the security of this Nation. It is unthinkable that a large segment of the heavy industrial area of Pittsburgh, Pa., should be manned by a Communist-controlled organization masquerading as a labor union. All the forces of the Government of the United States must be brought to bear promptly to meet this critical situation.

In addition, the Senator from Washington referred to the fact that the Mine, Mill, and Smelter Workers were opposed to this bill and in favor of his proposed amendment by way of a substitute.

It is commonly known that the officers or some of the officers of that union are avowed and professed Communists. They are not bashful about this affiliation. They even protest when forced to resign from the Communist Party for the purpose of making an affidavit under the Taft-Hartley Act.

The PRESIDING OFFICER. The Senator's time has expired. Does the Senator yield further time to himself?

Mr. BUTLER. Mr. President, I yield myself an additional 2 minutes.

Mr. KNOWLAND. Mr. President, a parliamentary inquiry. How much time is left?

The PRESIDING OFFICER. Eighteen minutes.

Mr. BUTLER. I yield myself an additional 2 minutes.

To point up that situation, let me read the comments and recommendations by the Internal Security Subcommittee after holding hearings on the mine, mill, and smelter workers in Salt Lake City, Utah:

It should be a matter of deep and continuing concern to all patriotic citizens that the International Union of Mine, Mill, and Smelter Workers, which operates in an industry so vital to the security of this Nation, is controlled by officers who have been identified under oath as Communists, and will not deny their membership in the Communist Party.

Those men had been Communists for many, many years. They had been officials of that union for many, many years. I ask my colleagues on the other side of the aisle, Where are the fruits of their labors? Where is the legislation that they would bring forth, after all the hearings that were held, to correct a situation, fully illuminated, like that, in which avowed members of the Communist Party are sitting astride our most vital industries?

We would be most derelict to our trust if we did not take means with which to put an end to that situation.

Mr. FERGUSON. Mr. President, will the Senator yield some time?

Mr. BUTLER. How much time does the Senator desire?

Mr. FERGUSON. How much time does the Senator have?

Mr. BUTLER. Sixteen minutes, if the Senator would like it.

Mr. FERGUSON. Will the Senator yield such part of that time as I may desire?

Mr. BUTLER. That is agreeable.

Mr. FERGUSON. Mr. President, some time ago, at the suggestion of the Attorney General, who is the chief legal adviser of the President of the United States, who has Cabinet status, and who is very familiar with what is going on so far as Communist penetration in America is concerned, I introduced a bill dealing with communism. Anti-Communist legislation is needed in America.

I came to the Senate 12 years ago, and 10 of those years I have spent on the Judiciary Committee of the Senate. One of the jobs of the Judiciary Committee is to look into the question of communism. I came from the bench in Michigan. I had had some experience with Communists in Michigan, but I did not understand communism as I later learned it to be. While I had had Communists before me in my court and had experience with communism, I really did not understand communism until Communist leaders such as Foster and Gates sat across the table from me and told of their Communist activities. I then understood more about communism.

I went to New York City as a minority member of the Internal Security Subcommittee under the distinguished Senator from Nevada [Mr. MCCARRAN] to look into the question of Communist penetration into schools and educational programs. Mr. Dubinsky, the head of the labor union of the clothiers, of New York, wrote an article in the Saturday Evening Post of May 9, 1953, in which he described one of the cases. I ask unanimous consent to insert in the RECORD at this point a portion of his article telling how he dealt with Communists in the union.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW I HANDLED THE REDS IN MY UNION

(By David Dubinsky, president, International Ladies Garment Workers Union)

(One of the scrappiest labor leaders in America tells the revealing story of how he whipped the Communists in his union, when they were on the point of capturing it. His favorite weapon? The ex-Communist. Author Dubinsky: "Seek them out, expose them, fight them, destroy their capacity for evil.")

For 12 years Dr. Harry G. Albaum, a biology professor at Brooklyn College, had nursed a secret to his bosom and hoped desperately that he would be rid of it before it devoured him. He had been sucked into the Communist Party in 1938 and now he was trapped. When he suggested to a fellow member that he wanted to quit, the latter told him, "Brother, you don't resign from

the Communist Party; you are expelled." He might have welcomed expulsion, except for the fact that the Communists had the goods on him. By order of the party higher-ups he had told a lie under oath to a State examining board, and he knew they would not hesitate to give him away to the authorities once he left them for good. Not only would he risk the loss of his position and rating as a professor but he would also incur the obloquy attendant on disclosure of his secret past. He was desperate, for, although he had drifted away from them and had had no contact with them for 12 years, his past was about to catch up with him. He had just received a summons to testify before the Senate Internal Security Subcommittee.

What was Albaum to do—take refuge behind the evasions and legal subterfuges by which others had sidestepped the truth or make a clean breast of it and take the consequences? He was in a state of emotional collapse as he faced his inquisitors, Senator HOMER FERGUSON, chairman of the hearing at which he was to be examined, and Robert Morris, counsel of the committee, who was to conduct the examination. Finally he pulled himself together and told all. Yes, he had been a member of the Communist Party. He had stayed with them only 2 years and had spent the rest of the time trying to live it down. "This pall," he blurted out, "has been hanging over me for 12 or more years, and I cannot live with it any more."

Senator FERGUSON'S response on that occasion is worth noting, for it holds the key, it seems to me, to the tactics and strategy to be pursued against the native agents of the Moscow hierarchy. Said Senator FERGUSON, "* * * It is very refreshing to realize that there has finally been a place that you could come to * * * (where a man) can come in and testify and free his soul."

Long experience in unrelenting and sometimes harrowing infighting with the Communists has taught me that certain methods will work against them while others will not. It is for this reason that I consider Senator FERGUSON'S remark not only a charitable one but also a sagacious one. It represents the proper approach to the problem of what to do with former Communists and disaffected present adherents of the Reds.

Mr. FERGUSON. We were trying to solve a problem, Mr. President, and that subcommittee has worked for years on that endeavor.

When the Senate considered the internal security bill it was confronted with some of the same maneuvers which are apparent today, seemingly designed to defeat the legislation without an actual vote on it. If anybody understands communism, I think he will want legislation enacted to cope with it.

One of the criticisms of investigations of communism in America is that following them no action is taken. The hue and cry is, "Why do we not leave this problem to the Attorney General of the United States under criminal statutes? Why do we not allow J. Edgar Hoover to investigate Communists?" Then, Mr. President, when we ask the Senate to pass a bill which will enable the Attorney General of the United States and the FBI to make investigations of communism, what do we get? We get the same answer: "Oh, let us refer it to a commission. Let us have another year's study of it."

Mr. President, I am for studying a problem. I want to get the facts. I do not want to legislate in a smog. However, this issue is clear. We have studied the question of penetration of communism in America long enough. Although we are asking other nations to rid themselves of Communists in their governments and in their labor unions, we are not doing anything about it in America so far as enacting a law is concerned. I believe in law. I believe in equal justice under law. That is what we are trying to do here. If we create a commission to study the question, there will arise the same hue and cry, that we are smearing honest, reliable people, and that we are trying to destroy unions because some of them have been penetrated by Communists.

I rise today to say that the pending bill will do the greatest amount of good for labor unions that they can have done for them. The unions are in favor of it. The CIO, the A. F. of L., the Mechanics Union, and every other honest, reliable union is in favor of the bill, because it will give them the one thing they need, and that is a law under which they can get rid of Communist domination of unions.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. MANSFIELD. Why does not the Senator from Michigan go one step further and support bills like those I have introduced in the House and in the Senate, which would outlaw the Communist Party? Then the line will be drawn sharply, cleanly, and clearly.

Mr. FERGUSON. The reason I do not advocate outlawing the Communist Party in America is that the Communists would go underground, and it would not do an iota of good to outlaw them. That is what the Communists want. They think they can cover up the movement if we outlaw the Communist Party.

We passed the Smith Act. Do we see the Communist Party before the court when individual Communists are being tried on the charge of conspiracy to to overthrow the Government of the United States?

Outlawing the Communist Party will not solve the problem. Why does not the Senator from Montana join with us in this crusade to get at the Communists in America?

Mr. MANSFIELD. Mr. President, will the Senator yield further?

Mr. FERGUSON. I yield.

Mr. MANSFIELD. The Senator certainly does not mean to say that the Communists are not underground now, does he?

Mr. FERGUSON. Not at all. But they are in labor unions because labor unions cannot cope with the situation. If they were able to cope with the situation they would not allow them in the unions. All the Communists need in any organization is 1 or 2 members of the Communist Party. After 10 years of working in the Senate on this issue, and many years on the bench and at the bar, I know that today wherever the minds of men are called into play anywhere in the world the Communists are attempting to penetrate organizations and influence the decisions of men.

I should like to relate a little story which was told to me as a fact when I was in Tokyo visiting Gen. Douglas MacArthur. He told me about Mr. Malik, who had been Ambassador to Japan prior to the end of the war, before the Russians entered the war. Malik had voted with MacArthur on a certain point that had come up before the Commission in Japan. The General asked him why he had gone along. He said, "Why did you go along with us? We are rather surprised that you should go along with us on that point."

Mr. Malik took out three matches and laid them in a row on the table. He said, "General, the reason we went along is this. The first match is capitalism. The second match is socialism. The third match is communism. When anything moves from the first match, capitalism, along a line to socialism, you will always find us there in favor of that movement, going along with it. It will take time and patience. However, we know that the time is coming when the movement will be over to the third match, communism."

I say that anything that concerns the minds of men will always have around it Communists attempting to move from one point to the next, to communism, and attempting to influence our country to move along the line to communism. That is what we must guard against today.

There was read into the RECORD the other day a resolution adopted by a great labor union. I am not surprised that the Communists are trying to stop this bill. They are in the gallery and in the corridors of the Capitol today. If I were a Communist, I would be trying to stop it, too.

However, let me read what the CIO has said. I defy anyone to say that the CIO is trying to destroy unions in America, or that it is antiunion. This is what the CIO organization said in 1949 in connection with a resolution of expulsion directed against the United Electrical, Radio, and Machine Workers of America, a communications union, whose members handle vital messages which are sent all over the world. They are radio and electrical workers. Their union was expelled from the CIO on November 2, 1949. Let me read the resolution:

We can no longer tolerate within the family of CIO the Communist Party masquerading as a labor union. The time has come when the CIO must strip the mask from these false leaders, whose only purpose is to deceive and betray the workers. So long as the agents of the Communist Party in the labor movement enjoy the benefits of affiliation with the CIO, they will continue to carry out this betrayal under the protection of the good name of the CIO.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. FERGUSON. I am glad to yield.

Mr. BUTLER. Are those men still officers in the union to which the Senator has referred?

Mr. FERGUSON. I understand they are.

Mr. BUTLER. The union still has the same officers?

Mr. FERGUSON. That is correct.

Mr. BUTLER. They are in control of a very powerful union, whose workers

make our most secret radar and radio equipment, are they not?

Mr. FERGUSON. That is correct.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. KNOWLAND. The question was raised a little earlier as to why the Communist Party, as such, was not outlawed. In addition to whatever constitutional questions may be involved, is there not the additional factor that the Communists could very easily call themselves by another name—for example, the L. S. and M. Party, which to the Communists might mean the Lenin-Stalin-Malenkov Party—thus giving an entirely different outward appearance?

Mr. FERGUSON. That is correct.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FERGUSON. What I have read are the words of the CIO. I respect that union because it is trying to cleanse itself of communism. Are we going to help them? Are these the words of a "union-busting" Senator? These are the words of the CIO themselves in connection with an attempted expulsion of Communists. We cannot solve this problem by outlawing the Communist Party. We can solve it only by having laws on the statute books which will give equal protection to all.

Mr. President, Senators stood upon the floor of the Senate for long periods when the internal security bill was under consideration, and in one case a Senator exhausted himself and had to be carried from the floor. This debate should not take a long time. I never was more interested in anything in my life than I am in having communism in America under law. We have investigated sufficiently. Therefore, Mr. President, I raise my voice, and I raise it loudly today, because I want this proposed legislation to pass and not merely to have a study of the subject for another decade.

Mr. HUMPHREY. Mr. President, will the Senator from Michigan yield?

The PRESIDING OFFICER. The time has about expired. The Senator from Maryland has 1 minute remaining.

Mr. BUTLER. Mr. President, I regret that I shall not be able to yield.

The amendment in the nature of a substitute offered by the Senator from Washington [Mr. MAGNUSON] to the bill is simply a parliamentary device to defeat the pending legislation. I urge Members of the Senate to stand up and be counted on the simple issue which is before the Senate, and not to sidestep that issue by voting for the substitute.

The instant bill is an internal-security measure, designed to protect this Nation against the Communist fifth column. It is not an antilabor bill. It is not a union-busting bill. It is an internal-security measure. It has not been hastily conceived. This bill is a vital and integral part, a much needed part, of the Internal Security Act of 1950.

I hope the Senate will in due time defeat the proposed amendment and pass the bill.

Mr. KNOWLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Gillette	McCarthy
Anderson	Goldwater	McClellan
Barrett	Gore	Millikin
Beall	Green	Monroney
Bennett	Hayden	Morse
Bowring	Hendrickson	Mundt
Bricker	Hennings	Murray
Bridges	Hickenlooper	Pastore
Burke	Hill	Payne
Bush	Holland	Potter
Butler	Humphrey	Purtell
Byrd	Ives	Reynolds
Capehart	Jackson	Robertson
Carlson	Jenner	Russell
Case	Johnson, Colo.	Saltonstall
Chavez	Johnson, Tex.	Schoeppel
Clements	Johnston, S. C.	Smathers
Cooper	Kennedy	Smith, Maine
Cordon	Kerr	Smith, N. J.
Crippa	Kilgore	Stennis
Daniel	Knowland	Symington
Dirksen	Kuchel	Thye
Douglas	Lehman	Upton
Duff	Long	Watkins
Dworshak	Magnuson	Welker
Ellender	Malone	Wiley
Ferguson	Mansfield	Williams
Frear	Martin	Young
Fulbright	Maybank	
George	McCarran	

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from Washington [Mr. MAGNUSON].

Mr. KNOWLAND. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mr. KNOWLAND. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from Washington [Mr. MAGNUSON].

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAGNUSON. As I understand, this yea and nay vote will be on the amendment in the nature of a substitute which I offer on behalf of myself and other Senators. Is that correct?

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from Washington [Mr. MAGNUSON] for himself and on behalf of other Senators.

The yeas and nays having been ordered, the clerk will call the roll.

The Chief Clerk called the roll.

Mr. SALTONSTALL. I announce that the Senator from Vermont [Mr. FLANDERS] is necessarily absent.

The Senator from North Dakota [Mr. LANGER] is absent by leave of the Senate.

If present and voting, the Senator from Vermont [Mr. FLANDERS] would vote "nay."

Mr. CLEMENTS. I announce that the Senator from Mississippi [Mr. EASTLAND], the Senators from North Carolina [Mr. ERVIN and Mr. LENNON], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from West Virginia [Mr. NEELY] are absent on official business.

The Senator from Alabama [Mr. SPARKMAN] is necessarily absent.

I announce further that on this vote the junior Senator from North Carolina [Mr. ERVIN] is paired with the Senator from West Virginia [Mr. NEELY]. If present and voting, the junior Senator from North Carolina would vote "nay" and the Senator from West Virginia would vote "yea."

I announce further that if present and voting, the senior Senator from North Carolina [Mr. LENNON] would vote "nay."

The result was announced—yeas 31, nays 57, as follows:

YEAS—31

Anderson	Hennings	Long
Burke	Hill	Magnuson
Chavez	Humphrey	Mansfield
Clements	Ives	Maybank
Cooper	Jackson	Monroney
Douglas	Johnson, Colo.	Morse
Fulbright	Johnston, S. C.	Murray
Gillette	Kennedy	Pastore
Gore	Kerr	Symington
Green	Kilgore	
Hayden	Lehman	

NAYS—57

Aiken	Ellender	Payne
Barrett	Ferguson	Potter
Beall	Frear	Purtell
Bennett	George	Reynolds
Bowring	Goldwater	Robertson
Bricker	Hendrickson	Russell
Bridges	Hickenlooper	Saltonstall
Bush	Holland	Schoeppel
Butler	Jenner	Smathers
Byrd	Johnson, Tex.	Smith, Maine
Capehart	Knowland	Smith, N. J.
Carlson	Kuchel	Stennis
Case	Malone	Thye
Cordon	Martin	Upton
Crippa	McCarran	Watkins
Daniel	McCarthy	Welker
Dirksen	McClellan	Wiley
Duff	Millikin	Williams
Dworshak	Mundt	Young

NOT VOTING—8

Eastland	Kefauver	Neely
Ervin	Langer	Sparkman
Flanders	Lennon	

So Mr. MAGNUSON's amendment in the nature of a substitute was rejected.

Mr. FERGUSON. Mr. President, I move that the vote by which the amendment in the nature of a substitute was rejected be reconsidered.

Mr. KNOWLAND. Mr. President, I move to lay on the table the motion of the Senator from Michigan.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. IVES. Mr. President, I send to the desk an amendment, ask that it be stated, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On line 14, page 2, following the words "Armed Forces", it is proposed to insert the following language:

Provided, however, That any labor organization which is an affiliate in good standing of a national federation whose policies and activities have been directed to opposing Communist organizations, any Communist foreign government, or the world Communist movement, shall be presumed not to be a Communist-infiltrated organization.

Mr. IVES. Mr. President, the amendment would exempt from the provisions of S. 3706 bona fide labor organizations

whose loyalty to the United States has been proven on innumerable occasions.

I am in full sympathy with the purposes of S. 3706, as I know that certain so-called labor organizations have been and are being used by the forces of international communism to destroy free trade unionism and our democratic form of government. On the other hand, organizations such as the American Federation of Labor, the Congress of Industrial Organizations, and the Railroad brotherhoods deserve a great deal of credit for their unceasing efforts to weed out subversive influences in labor organizations. It is common knowledge that the Communists have infiltrated into labor organizations in every country which has succumbed to the domination of Soviet Russia, because free trade unionism is the greatest bulwark against any form of totalitarianism.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. IVES. I yield to the Senator from Oregon.

Mr. MORSE. I know how easy it is, when one starts citing specific organizations, to overlook one and not include it in the list; but I am sure I am correct when I say that the Senator from New York will agree with me that the United Mine Workers organization also has carried on a very effective fight against communism within its ranks.

Mr. IVES. I might well have added that organization. I said organizations such as the American Federation of Labor, and so forth.

Mr. MORSE. That is right.

Mr. IVES. Mr. President, in our efforts to eliminate Communist domination from free trade unionism, we must be most careful not to destroy trade unionism itself.

The bill before the Senate contains broad standards for determining whether or not an organization is a Communist-action or a Communist-front organization. Although there is no present danger that any bona fide labor organization would be construed to fall within these standards, we must be certain that true and tried supporters of democracy, such as those to which I have referred, are not placed in jeopardy.

Therefore, I urge the favorable consideration of my amendment, which would exempt from the coverage of S. 3706 free and democratic labor organizations which have proved their undying loyalty to the United States of America on every occasion when our democratic way of life has been imperiled.

Mr. President, on my amendment, I ask for the yeas and nays, while there are a sufficient number of Senators present to get a yea-and-nay vote.

The yeas and nays were ordered.

Mr. BUTLER. Mr. President, my first reaction is to disagree to the amendment of the Senator from New York. I believe that the great labor leaders deserve a tremendous amount of credit. They have done a creditable job in kicking out Communist-dominated unions. The amendment would prevent them from doing so in the future. If there were such Communist-dominated unions, the parent organizations would not be able to clean them out and we would not be able to clean them out, under the law. It would completely defeat the efforts of labor unions and of those who want to see Communist-dominated unions purged of all taints of communism.

Also, the amendment would place an undue burden on the Attorney General and the Subversive Activities Control Board. I do not believe anyone should have to assume such a burden. I believe we should all help rather than hinder what is proposed to be accomplished by the bill with regard to the labor organizations of America.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York [Mr. IVES]. On this question the yeas and nays have been ordered.

Mr. KUCHEL. Mr. President, will the Senator permit me to ask him a question?

Mr. IVES. Certainly.

Mr. KUCHEL. I have just read the amendment of the Senator from New York. Does the Senator use the word "presumed" in the legal sense?

Mr. IVES. Yes.

Mr. KUCHEL. So it would be a presumption which, in any instance, if the facts were so developed, could be overcome?

Mr. IVES. That is correct. That was my purpose in using that word.

ORGANIZED INFILTRATION BY COMMUNISTS SO PRONOUNCED BY THE ATTORNEY GENERAL

Mr. MALONE. Mr. President, will the Senator yield?

Mr. IVES. I yield to the Senator from Nevada.

Mr. MALONE. I should like to ask the Senator from New York if the bill itself is confined to labor unions in the extended investigation of subversive organizations or are they simply included if and whenever found to be so infiltrated?

Mr. IVES. I have read the bill very carefully. After reading it, I am not sure whether it is or not. I think the bill ought to be amended in certan respects. I am very much disturbed about a provision on page 4, section 13A, which I think is altogether too severe.

Mr. BUTLER. If the Senator will yield, may I ask to which provision the Senator is referring?

Mr. IVES. I refer to the provision that there must be a waiting period of 1 year before the organization can be absolved from the determination that it was a Communist-infiltrated organization. However, that has nothing to do with the amendment I have offered. I was merely replying to the question of the Senator from Nevada.

Mr. MALONE. Mr. President, will the Senator from New York yield further?

Mr. IVES. I yield.

Mr. MALONE. As I read the subsection referred to by the distinguished Senator from New York, section 13A, on page 4 of the bill, neither mentions labor unions nor is it confined to labor unions. They are simply included if so affected. Is that correct?

Mr. IVES. Yes.

Mr. MALONE. It merely refers to any organization the Attorney General may have pronounced as being infiltrated by Communism. Is that correct?

Mr. IVES. That is correct.

Mr. MALONE. It seems to me that there has been an attempt to pinpoint the proposed legislation as being aimed at destroying labor unions. That is the furthest thing from the mind of the junior Senator from Nevada and I believe of every Senator here trying to find a way of reaching Communist-affected organizations.

Mr. IVES. Certainly.

Mr. MALONE. Will the Senator from New York wait until I finish my statement?

Mr. IVES. I was going to agree with the Senator from Nevada.

Mr. MALONE. The Senator from New York may not agree when I complete my statement. Then, am I to believe that the Senator's feeling is that the proposed legislation includes all Communist-front or Communist-infiltrated organizations which have been difficult to reach through existing legislation?

Mr. IVES. I would not say so, no.

Mr. MALONE. Certainly the junior Senator from Nevada does not wish to injure or destroy any labor union that is conducting its business in a proper way, and he likewise does not wish to have destroyed any other organization that is conducting its business in a proper manner. The problem is to reach individuals or groups deliberately organized to injure this Nation—and to assist legitimate organizations to clean up their own house as many of them are trying to do.

But there has been difficulty in dealing with these Communist-front organizations—and in assisting legitimate organizations in destroying Communist infiltration. The pending bill is clearly for the purpose of creating a board or establishing the power to "put the finger" on them when so organized and to destroy their influence.

Mr. IVES. The bill does not create a board, for the Board already exists. The bill will utilize the services of the Board for that purpose.

Mr. MALONE. Then it is not the purpose to injure or destroy the American Federation of Labor or the railroad brotherhoods or any loyal American organization?

Mr. IVES. I do not think it is the purpose to destroy them. I have no thought whatever that the sponsors of the bill intend to destroy labor organizations. I do not think that is their intent. I think that is furthest from their intent.

But under the bill, as it is drafted, I believe a great deal of damage can be done to bona-fide labor organizations. That is why I fear the bill.

Mr. MALONE. We attempt to name legitimate labor organizations. We should also name other law-abiding organizations.

Mr. BUTLER. Mr. President, will the Senator from New York yield to me?

The PRESIDING OFFICER. Does the Senator from New York yield; and if so, to whom?

Mr. IVES. Mr. President, I am willing to yield, in order to permit the Senator from Nevada to continue, although I should like to have it understood that I have a right to reply to the questions he asks me.

Mr. MALONE. Yes; after I have finished asking the questions.

Mr. IVES. Mr. President, I have the floor; and although I am willing to yield for questions, I wish the Senator who asks a question to give me an opportunity to reply to it.

Mr. MALONE. Then, Mr. President, this is my question: Does not the bill apply to all organizations?

Mr. IVES. It is aimed principally at labor organizations.

Mr. MALONE. I do not think it is aimed at any specific type of organizations, however, I agree that the Senate speeches have been slanted that way.

Mr. IVES. The Senator from Nevada may not think so; but according to all the evidence which has been produced and according to the report of the committee, the bill is principally aimed at such organizations.

Mr. MALONE. Mr. President, will the Senator from New York yield further to me?

Mr. IVES. Certainly.

Mr. MALONE. I should like to point out that in much of the debate, the speeches which have been made—probably for public consumption—would put Senators who vote in favor of the legislation in the position of trying to destroy labor unions when nothing could be farther from the truth.

Mr. IVES. I should like to answer on that point.

Mr. MALONE. I should like to have the Senator from New York do so.

Mr. IVES. I shall construe the Senator's statement as a question. I do not think Senators who vote for the bill tend to destroy labor organizations; I do not think that is their purpose, and I never would construe a vote in favor of the bill to be a vote of that type at all.

Mr. MALONE. Then I shall ask the question again, of the distinguished Senator from New York: If it appears necessary, from the speeches which have been made in the last several hours, to mention certain labor unions that are obviously above reproach, would not it also be necessary to mention certain other organizations which are obviously clear of all suspicion?

Mr. IVES. That could be done, but I do not think that is the chief purpose of the bill. I believe the chief purpose is the elimination of communism from labor organizations; and therefore an amendment of the type I have proposed——

Mr. MALONE. Of course the Senator from New York is entitled to that opinion, but the junior Senator from Nevada does not think the proposed legislation is aimed at any legitimate lawful organization or one not officially designated as Communist infiltrated.

Mr. IVES. I have read the report, and the report seems definitely to indicate that. That is all I know about it.

Mr. BUTLER. Mr. President, will the Senator from New York yield to me?

Mr. IVES. I yield.

Mr. BUTLER. The Senator from New York just voted to have a further study made in connection with the problem.

Mr. IVES. I certainly did.

Mr. BUTLER. But now the Senator from New York brings to the floor an amendment, which no one else has ever seen, which goes directly to the heart of the bill. I do not think that is the way to legislate.

Mr. IVES. Then why did not the Senator from Maryland vote in favor of having a further study made?

Mr. BUTLER. Because I did not think that amendment was sound, and neither do I believe the amendment of the Senator from New York is practicable.

Mr. IVES. I think it is sound.

With regard to the question of making a study, I have had some experience in dealing with labor-management relations and labor-management problems. From long experience in that field, one learns that the way to resolve a question, when there is a conflict of feeling of this type, is to get the groups together, as proposed by the amendment of the Senator from Washington.

For that reason, I voted for the amendment of the Senator from Washington. The amendment itself would have delayed action on this matter for a period of only approximately 5 months, and I think it would be far better to get the parties in interest to sit down and arrive at something on which they would at least be in agreement.

By the way, let me point out that the amendment provided for consultation with Members of the House of Representatives and Members of the Senate. I believe it is far better to legislate in that way than to legislate out of the whole cloth, as we are now legislating.

Mr. BUTLER. We are not legislating out of the whole cloth. This matter has received very careful study. I do not agree with the Senator from New York that this is a question of labor-management relations. It is a question of internal security.

Mr. IVES. I, too, think it is a question of internal security; but I think it has a definite bearing on labor-management relations. The very fact that the Taft-Hartley Act would, in effect, be amended by the bill demonstrates that the bill is dealing with labor-management relations.

Mr. BUTLER. Is it not true that the real foundation of the amendment of the Senator from New York is that if Communists happen to be in good company, there will be a presumption in their favor?

Mr. IVES. Not at all.

Mr. BUTLER. Then what does the amendment mean?

Mr. IVES. It means exactly what it says.

Mr. BUTLER. Then let me read the amendment at this time:

Provided, however, That any labor organization which is an affiliate in good standing of a national federation whose policies and activities have been directed to opposing Communist organizations, any Communist foreign government, or the world Communist movement, shall be presumed not to be a "Communist-infiltrated organization."

It might be that the affiliates were completely dominated by communism; but this amendment would give them a cloak of immunity simply because they associate with nice people. That is not the way for us to proceed.

Mr. IVES. Let me emphasize the importance of the words "in good standing." They must be in good standing; otherwise, they are not presumed to fall within the purview of the amendment. That makes a great deal of difference.

Mr. COOPER. Mr. President, will the Senator from New York yield to me?

Mr. IVES. I yield.

Mr. COOPER. Will the Senator from New York read his amendment again?

Mr. IVES. Yes.

Mr. COOPER. At what point in the bill is the amendment offered?

Mr. IVES. It is offered to page 2 of the bill, in line 14, following the words "Armed Forces." The amendment is offered to section 2 of the bill, and it would insert the following words:

Provided, however, That any labor organization which is an affiliate in good standing of a national federation—

And let me emphasize again the importance of the words "in good standing," because all of us know that the great federations of labor, the great labor organizations, have been doing their utmost to get communism out of their affiliates, out of their internationals, and out of their locals. That is why the important words here are "in good standing."

I shall start again at the beginning of the amendment:

Provided, however, that any labor organization which is an affiliate in good standing of a national federation whose policies and activities have been directed to opposing Communist organizations, any Communist foreign government, or the world Communist movement, shall be presumed not to be a Communist-infiltrated organization.

Mr. COOPER. I wish to ask the distinguished Senator from New York a question regarding the proper interpretation of the words "shall be presumed."

On page 4 of the bill, we find the section entitled "Proceedings With Respect to Communist-Infiltrated Organizations"; and section 13A sets forth the proceedings which will be followed in arriving at a determination that such an organizaion is a Communist-infiltrated organization.

Does the Senator from New York intend in any way, or does he consider that it would be the purpose of the word "presumed," to prevent the Attorney General from initiating any petition or proceeding to declare any particular organization Communist dominated or Communist infiltrated?

Mr. IVES. No; that is not the intent at all.

Mr. COOPER. Then is it the interpretation of the Senator from New York that his amendment would not prevent the Attorney General from initiating any such action?

Mr. IVES. That is correct.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. IVES. I am trying to answer the Senator from Kentucky.

Mr. COOPER. And there would not be any presumption?

Mr. IVES. There is what is known as a rebuttable presumption.

Mr. COOPER. The bill, S. 3706, is an amendment to the Subversive Activities Control Act of 1950. As I understand, the act of 1950 provides for judicial review of the determination of the Board.

Mr. IVES. That is correct.

Mr. COOPER. I assume, as has been brought out by the Senator from California, that the words in the amendment of the Senator from New York simply establish what would be a rebuttable presumption. If upon a determination by the Board itself, and then later, if a review were made by the court, it would be a question whether or not there were sufficient facts to overturn the rebuttable presumption.

Mr. IVES. Exactly.

Mr. COOPER. I wish to ask one or two other questions.

I understand the intent of the Senator's amendment would be to create presumption in favor of a labor union organization, which was a part of a federation whose opposition to communism in unions was well known, such as the American Federation of Labor, the United Mine Workers of America, of the CIO.

Mr. IVES. That is why the words "in good standing" are in the amendment.

Mr. COOPER. But there would be nothing in the amendment which would prevent an inquiry by the Attorney General or a determination by the Board either against the federation or against an affiliate of the federation, if the facts were thought sufficient to require such an inquiry.

Mr. IVES. That is correct. That is definitely the intent of the amendment. Nothing stands in the way of such action by the Attorney General or the Board.

I might as well yield to the Senators one at a time, as they stand in front of me. I yield to the Senator from Maryland.

Mr. BUTLER. The Senator's amendment gives this presumption to an organization or an affiliate "in good standing." In good standing in what respect—that they pay their dues, or that they do good work? What does it mean?

Mr. IVES. In good standing in line with the terms of the bill and the law.

Mr. BUTLER. I do not think that is any way to legislate. I think "in good standing" could mean anything. They are in good standing if they pay their dues. They are in good standing if they live up to the constitution of their parent organization. I do not know what it means.

Mr. IVES. I think the term "in good standing" is very clear.

Mr. BUTLER. I do not agree with the Senator.

Mr. IVES. We are dealing definitely with labor organizations.

Mr. BUTLER. That is true.

Mr. IVES. The Senator knows what is intended by "labor organizations." He knows what is intended by the term "in good standing" with respect to Communist infiltration. We are dealing distinctly with Communist infiltration, and nothing else.

Mr. BUTLER. I do not agree with the Senator from New York.

Mr. IVES. The Senator from Maryland and I just do not agree.

I yield now to the Senator from Massachusetts, who has been trying to get me to yield for some time.

Mr. SALTONSTALL. I think the Senator from Kentucky covered most of the questions I had in mind. It is my understanding that the Senator from New York is trying by this amendment to say, by the word "presumed," that a labor union which is an affiliate of a national organization and which is in good standing with the national organization is presumed not to be a Communist-infiltrated union. That means there is a prima facie case that it is not one; but it does not mean that the Attorney General cannot proceed, if he has facts which will overcome that prima facie case.

Mr. IVES. That is correct. That is what is intended.

Mr. SALTONSTALL. That is the whole purpose of it?

Mr. IVES. That is the whole purpose of it.

Mr. SALTONSTALL. The General Electric Co. is a large organization in my State and in New York State, and in its employ are members of several unions which have been having difficulties with each other continuously. One of those unions is in good standing, as I understand, with the CIO. The other union is not in good standing, and is not connected with the CIO. What the Senator means is that the union which is in good standing with the CIO and concerning which there is no evidence to overcome a prima facie case should come within the proviso; and that the other union, which is not connected with the CIO, and concerning which there is some evidence of Communist infiltration, would not come within the purview of the provision.

Mr. IVES. Definitely it would not. That is correct.

Mr. SALTONSTALL. So "in good standing" means in good standing in connection with the other terminology of the bill; it is not a question whether dues are paid or are not paid.

Mr. IVES. It applies specifically to subversion and communism, nothing else.

Mr. FERGUSON and Mr. BUTLER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New York yield, and if so, to whom?

Mr. IVES. I must yield to the Senator from Michigan first, because he has been trying to get me to yield for some time.

Mr. FERGUSON. This morning the Senator from Michigan quoted a strongly worded resolution of the CIO expelling an affiliate for Communist domination.

Mr. IVES. I did not happen to hear the Senator. I assume that was the UE, was it not?

Mr. FERGUSON. Yes. Does the Senator's amendment mean that if a union is not expelled by resolution, it is in good standing?

Mr. IVES. Not at all. It does not have to be expelled to be not in good standing.

Mr. FERGUSON. The next question: The Senator says it is a rebuttable presumption. In law there are two kinds of presumptions. One is known as a conclusive presumption, which evidence cannot overcome. I am glad the Senator has stated and now states that the presumption in this case is not intended to be a conclusive presumption.

Mr. IVES. It is not intended to be a conclusive presumption.

Mr. FERGUSON. It can be rebutted by evidence.

Mr. IVES. That is correct.

Mr. FERGUSON. There would be merely a prima facie case, as we lawyers speak of it, so that if no other evidence were introduced before the Attorney General or the Board, but the union was an affiliate of a national federation which said, "This union is in good standing so far as Communist domination is concerned," then the Board would have no alternative but to say there had been a prima facie case made, and no action could be taken.

Mr. IVES. That is, assuming no other evidence were introduced.

Mr. FERGUSON. That is what I mean.

Mr. IVES. In line with the Senator's statement, yes.

Mr. FERGUSON. If the Attorney General introduced evidence which overcame the prima facie presumption, then action could be taken by the Board.

Mr. IVES. That is the intention of the amendment.

Mr. FERGUSON. I assume the Senator would allow the rules of the Subversive Activities Control Board to control as to the admission of evidence.

Mr. IVES. The Senator will remember that I strongly supported the act back in 1950. I am not trying to get away from it.

Mr. FERGUSON. I think we ought to make the record very clear as to what we are trying to do here today. If the presumption may be overcome, then it is up to the Board to determine whether there has been sufficient evidence introduced to overcome the prima facie case of good standing of the union.

Mr. IVES. I agree to that statement. I want to make clear where I stand. That statement is correct.

Mr. FERGUSON. Of course, the Senator is the author of the amendment, and therefore his interpretation is very material in determining what the courts will consider.

Mr. IVES. I think the interpretation we are developing on the floor is very material.

Mr. FERGUSON. I think the interpretation of the Senator who has offered the amendment is very material to this question.

May I ask what kind of union the Senator has described in his amendment? Were the words, "international union," or what is the exact terminology?

Mr. IVES. No, I do not use the word "international." It reads, "good standing of a national federation."

Mr. FERGUSON. Will the Senator explain, so the record will be clear, what is meant by a "national federation"?

Mr. IVES. I think I covered that in my earlier remarks. What I have in mind are organizations like the American Federation of Labor, the Congress of Industrial Organizations, the Railroad Brotherhoods, and the United Mine Workers. They are four big national organizations.

Mr. FERGUSON. Does the Senator intend to include any labor union which is recognized by the National Labor Relations Board?

Mr. IVES. No.

Mr. FERGUSON. That is not the determination?

Mr. IVES. No; that has nothing to do with it.

Mr. FERGUSON. I wanted to have it clear on the record.

Mr. MORSE. With regard to the meaning of the language of the amendment, the phrase "in good standing" means that if a local union is under investigation by its national organization in connection with financial irregularities, at that time it is not a union in good standing; does it not?

Mr. IVES. Not in that sense of the word; no.

Mr. MORSE. If a union is under investigation at the time for any violation of the international laws of the union, while that investigation is going on, the union is not in good standing; is it?

Mr. IVES. No.

Mr. MORSE. If a union is under investigation by its national organization for Communist activities or for violation of the Communist affidavit requirement, or if it is under investigation on any charge of any subversive activity within the union, that union is not in good standing at that time; is it?

Mr. IVES. It is definitely not in good standing.

Mr. MORSE. What the Senator from New York is doing, if I understand him correctly—and I completely agree with his objective—is seeking to provide by his amendment that the unions, the national federations, are to be given an opportunity to clean their own house in regard to Communist domination as they have been doing?

Mr. IVES. May I interrupt at that point?

Mr. MORSE. Certainly.

Mr. IVES. What I am trying to do is to have the Government cooperate in the efforts being made by the great labor organizations which are trying to clean house, and at the same time preserve the necessary protection to the Government itself and to the country itself.

Mr. MORSE. So far as labor-management relationships are concerned, and so far as the relationships between the Government and labor-management relationships are concerned, would not one of the benefits of this amendment really be that we would impliedly recognize the fact that the national labor federations are trying to do a job with respect to subversive activities problems and that we stand ready as a Government to assist them in connection with any union which is not in good standing, so that they will know they are to have the support of the Government.

Mr. IVES. Yes; and they are also expected to assist the Government. There would be a quid pro quo. Cooperation would extend in both directions.

Mr. MORSE. As so frequently happens, the Senator from New York is one jump ahead of me. That is the next point I wished to inquire about. In other words, we are trying to adopt an amendment which puts the Government and the unions in a cooperative relationship, and we are not placing a black mark upon the unions in advance.

Mr. IVES. No stigma.

Mr. MORSE. We are saying to the unions, "We will give you the benefit of a rebuttable presumption."

Mr. IVES. That is correct.

Mr. MORSE. We are also saying, "But if we have evidence that overcomes that rebuttable presumption we will proceed against any organization in your union."

Mr. IVES. That is exactly the intent of what is contained in the amendment.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. IVES. I yield.

Mr. FERGUSON. I realize that all organizations will have the benefit of the presumption of innocence. That is the only way we do business in this country.

Mr. IVES. That is the way we started operations in this country.

Mr. FERGUSON. That is the only way we do business. Everyone has equal protection under the law. We assume that to be the case. Under the circumstances, in accordance with the explanation of the amendment that has been placed in the RECORD, and is a part of the legislative history, I should like to ask a question of the Senator from Maryland, if the Senator from New York will yield for that purpose.

Mr. IVES. Mr. President, provided I do not lose the floor, I yield to the Senator from Michigan so that he may ask a question of the Senator from Maryland.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FERGUSON. Is this not an amendment that should be accepted by the Senator from Maryland? After all, what we are trying to do is to establish a procedure which will allow labor unions and the United States Government to throw out—let us use that expression, because that is what we are trying to do—the Communists who dominate and penetrate unions, and thus dominate the minds and the actions of men.

Mr. BUTLER. I will say to the Senator from Michigan, on the basis of the legislative history that has here been made on the floor of the Senate in connection with the amendment, and with respect to the purposes of the Senator's amendment, that I would accept the amendment. The amendment should tend to bring the Government and the labor unions into a closer working relationship, which would be for the good of all of us. As I said at the beginning, I would not hurt any legitimate labor organization. I am willing to accept any reasonable amendment. I think this is a reasonable amendment. It gives labor a chance to clean its own house. If labor does not clean its own house, the Government says, "We will proceed anyway, because we have the evidence."

Mr. FERGUSON. Is it not correct to say that under the amendment a union itself could endeavor on all occasions to cleanse itself of Communist domination, so that it would not be criticized before the public for not cleansing itself?

Mr. BUTLER. That is correct.

Mr. FERGUSON. After all, the unions themselves know better than anyone else who is Communist dominated.

Mr. BUTLER. That is correct.

Mr. FERGUSON. The procedure would involve teamwork on the part of the Government, the Board, the Attorney General's Office, and the unions, in ferreting out Communists. It will require some ferreting, because when the Communists get into any kind of organization they work like termites in the dark.

Mr. BUTLER. I agree with the Senator. I accept the amendment.

Mr. FERGUSON. I think it is a very good amendment.

Mr. IVES. Mr. President, I understand the yeas and nays have been ordered on the amendment.

Mr. BUTLER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BUTLER. I do not believe the yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. KNOWLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gillette	McCarthy
Anderson	Goldwater	McClellan
Barrett	Gore	Millikin
Beall	Green	Monroney
Bennett	Hayden	Morse
Bowring	Hendrickson	Mundt
Bricker	Hennings	Murray
Bridges	Hickenlooper	Pastore
Burke	Hill	Payne
Bush	Holland	Potter
Butler	Humphrey	Purtell
Byrd	Ives	Reynolds
Capehart	Jackson	Robertson
Carlson	Jenner	Russell
Case	Johnson, Colo.	Saltonstall
Chavez	Johnson, Tex.	Schoeppel
Clements	Johnston, S. C.	Smathers
Cooper	Kennedy	Smith, Maine
Cordon	Kerr	Smith, N. J.
Crippa	Kilgore	Stennis
Daniel	Knowland	Symington
Dirksen	Kuchel	Thye
Douglas	Lehman	Upton
Duff	Long	Watkins
Dworshak	Magnuson	Welker
Ellender	Malone	Wiley
Ferguson	Mansfield	Williams
Frear	Martin	Young
Fulbright	Maybank	
George	McCarran	

The PRESIDING OFFICER [Mr. COOPER in the chair]. A quorum is present.

Mr. FERGUSON. Mr. President, I should like to ask the Senator from New York a question.

Reference was made to the presumption of innocence of any person under the proposed amendment.

Mr. IVES. That is correct.

Mr. FERGUSON. Is it not possible, even though the yeas and nays have been ordered, for the Senator to ask unanimous consent to insert language to provide that not only organizations connected with a national federation, but also other labor organizations, should enjoy the benefit of such a presumption, so that we would not be in the position of having the presumption apply to some while excluding others?

Mr. IVES. It is not my intention to discriminate against other labor organizations. In order to avoid any such possibility in the amendment which I am proposing, I suggest that the amendment be modified, after the words "national federation," by adding "or other labor organizations."

Mr. FERGUSON. I think that would cover the subject.

Mr. IVES. I think that would take care of everything which the Senator from Michigan has in mind.

Mr. FERGUSON. That is correct.

Mr. BUTLER. Mr. President, would the Senator from New York read into the RECORD the amendment as it is now modified?

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. IVES. I yield to the Senator from Florida.

Mr. HOLLAND. Is it the purpose of the Senator's modification to make it clear that any labor union, regardless of whether or not it is affiliated with one of the national organizations which is against communism, so long as it is a lawful labor union, large or small, has the benefit of a presumption of innocence which must be overcome by competent proof?

Mr. IVES. I think that is what should be done, in all fairness. That is the purpose of the modification.

Mr. HOLLAND. If the Senator from New York so provides in his amendment, I shall support it. But if he attempts to make a distinction between a labor organization which is affiliated with a large organization, and a smaller union or labor organization which is not so affiliated, I could not support the amendment.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. IVES. I yield.

Mr. McCARRAN. I call the attention of the Senator from New York and of the Senate as a whole to the fact that already certain unions have been, to use a common expression, "kicked out," by national organizations. Is the Senator attempting to say that their expulsion was an erroneous action?

Mr. IVES. No.

Mr. McCARRAN. It seems to me that that is what the Senator's amendment would accomplish.

Mr. IVES. No. If the Senator from Nevada had been present when the colloquy was taking place between the Senator from Maryland [Mr. BUTLER], the Senator from Michigan [Mr. FERGUSON], and myself, he would have understood that that question was cleared up. That is not the purpose of the amendment at all.

Mr. McCARRAN. The presumption of innocence cannot operate in favor of an organization already expelled by a parent organization.

Mr. IVES. No. The presumption would not be in favor of an organization which had been kicked out.

Mr. McCARRAN. That is what I had in mind.

Mr. IVES. The amendment is intended to operate in exactly the opposite way.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. IVES. I yield.

Mr. KILGORE. Does the Senator's modification take care of an organization like the United Mine Workers of America, which has in its own constitution provided against communism?

Mr. IVES. The United Mine Workers would be covered in the amendment as it was originally submitted. It is a national organization. As I proposed to modify the amendment, the United Mine Workers and similar organizations would be covered. I shall read the amendment as it is modified:

Provided, however, That any labor organization which is an affiliate in good standing of a national federation or other labor organization whose policies and activities have been directed to opposing Communist organizations, any Communist foreign government or the world Communist movement, shall be presumed not to be a "Communist-infiltrated organization."

I think that takes care of every situation.

Mr. SMITH of New Jersey. Mr. President, will the Senator yield?

Mr. IVES. I yield.

Mr. SMITH of New Jersey. Does the amendment take care of an unaffiliated labor organization, an independent organization which is not affiliated?

Mr. IVES. Yes. The amendment reads:

Any labor organization which is an affiliate in good standing of a national federation or other labor organization—

That is inclusive. It covers any independent labor organization or other labor organization.

Mr. BUTLER. Is it the opinion of the Senator from New York that if the Senate should agree to the amendment, some of the labor organizations which have been ejected by the CIO could say, "We have been approved by the United States Senate. We are perfectly innocent of any wrongdoing"?

Mr. IVES. No; there is no presumption of innocence in such a case.

Mr. BUTLER. Those unions would not be protected and would not be able to make such a claim?

Mr. IVES. No; the amendment provides quite the contrary.

Mr. McCARRAN. While I have not the exact language in mind, I respectfully suggest that the words "shall be presumed prima facie" should be included.

Mr. IVES. Does the Senator from Nevada desire to have those words included?

Mr. McCARRAN. I do.

Mr. IVES. I shall modify the amendment by including those words.

Mr. BUSH. Mr. President, will the Senator now read the amendment as it has been modified?

Mr. IVES. I shall have to begin back a little way.

Mr. KNOWLAND. I suggest that the entire amendment be read in its proposed modified form.

Mr. GORE. Mr. President, will the Senate again state at what page and line the amendment appears?

Mr. IVES. On page 2, in line 14, after "Armed Forces", I propose an amendment as follows:

Provided, however, That any labor organization which is an affiliate in good standing of a national federation or other labor organization whose policies and activities have been directed to opposing Communist organizations, any Communist foreign government, or the world Communist movement, shall be presumed prima facie not to be a Communist-infiltrated organization.

Mr. GORE. Mr. President, will the Senator yield?

Mr. IVES. I yield.

Mr. GORE. Is it the opinion of the distinguished Senator from New York that his amendment, if adopted, would provide a sufficient modification of the three lines immediately preceding, namely, that an organization which had been on strike in a concern which provided material needed by the Armed Forces would not be adjudged a Communist-infiltrated organization?

Mr. IVES. I did not quite understand the Senator from Tennessee.

Mr. GORE. If the Senator will read lines 11, 12, and 13, on page 2——

Mr. IVES. I am reading them.

Mr. GORE. He will see the reference to "any organization which is substantially directed by an individual or individuals who are, or who within 5 years have been actively engaged in the impairment of the military strength of the United States or its industrial capacity to furnish logistical or other material support required by its armed forces."

My question is: Does the able Senator hold that the adoption of his amendment would so modify the language which I have just quoted that an organization which had engaged in a legitimate strike within 5 years could not, because of such action be adjudged to be a Communist-infiltrated organization?

Mr. IVES. Oh, no; not if the strike had been a legitimate strike. Of course not.

Mr. GORE. Perhaps I should not have used the word "legitimate."

Mr. IVES. I use the same words as the Senator did, because I think perhaps we had the same meaning in mind; namely, that when a strike has come about through Communist activity, or has been engineered by communism, my amendment very definitely would apply.

Mr. GORE. I do not hold that the section reads in that way; but I still think the Senator's interpretation may clarify the meaning of the language.

Mr. McCARRAN. It seems to me that the language of the proposed amendment is too near, and is too much involved with the language referred to by the Senator from Tennessee, and might be construed as in some way modifying it. Perhaps if it could be set out at another place in the bill, it might be made clearer.

Mr. IVES. It is not intended to modify the preceding language exclusively. Very definitely, the conversation we are now having with respect to the section should clear up any misunderstanding, because it is not the purpose of the amendment to modify the preceding language.

Mr. GORE. Mr. President, will the Senator from New York yield?

Mr. IVES. I yield.

Mr. GORE. If the amendment does not operate as a modification, then what effect does it have?

Mr. IVES. Well, it is merely an additional provision; not a modification of what is already there.

Mr. GORE. If it has any effect, it seems to me that it must operate as a modification. The Senator will understand, I favor a modification, frankly.

Mr. IVES. If the Senator from Tennessee would prefer, or if the Senator from Nevada [Mr. McCARRAN] would prefer, this can easily be stated as a separate section.

Mr. GORE. I do not prefer it.

Mr. IVES. The purpose of it is to insert the language in the bill.

Mr. GORE. My position is that if lines 11, 12, 13, and 14 remain unchanged and unmodified, I do not see how I can support the bill. It was my interpretation of the Senator's amendment that it would operate as a modification, that it would set up a prima facie presumption that irrespective of the provision cited in these lines an organization described by his amendment would be presumed to be a loyal, non-Communist-dominated organization.

Mr. KNOWLAND. Mr. President, will the Senator yield for a question?

Mr. IVES. I yield.

Mr. KNOWLAND. Apropos of the point made by the Senator from Nevada [Mr. McCARRAN], I wish to raise an inquiry, and we shall have to allow the lawyers to interpret the legal aspects of it.

I was wondering whether it would not be better to insert this language under (A) on line 8, right after the word "title," and perhaps before "and." Would it not be better to insert the Senator's proviso at that point?

Mr. IVES. I think it would be appropriate to have it there.

Mr. KNOWLAND. Then (A) would read: "is substantially directed, dominated, or controlled by an individual or individuals who are, or who within 5 years have been actively engaged in, giving aid or support to a Communist-action organization, a Communist foreign government, or the world Communist movement referred to in section 2 of this title," with the proviso to follow thereafter.

Mr. IVES. That is all correct.

Mr. KNOWLAND. Would the Senator so modify the amendment?

Mr. IVES. I so modify it. Is that on line 8?

Mr. KNOWLAND. That is line 8, after the word "title."

Mr. IVES. After the word "title."

Mr. President, I ask unanimous consent that my amendment be modified as I have indicated in the various changes which I have been reading.

The PRESIDING OFFICER (Mr. PURTELL in the chair). Is there objection?

Mr. CORDON. Mr. President, reserving the right to object, the Senator's amendment refers to certain labor groups for which there is a presumption of non-Communist connection. Is it the Senator's view there are other labor groups as to which there is a presumption of Communist connection?

Mr. IVES. It is a rebuttable presumption.

Mr. CORDON. I understand it is rebuttable. It makes no difference whether it is rebuttable or not. The question is: Are we saying certain groups are presumed not to be Communist-dominated, and therefore other groups are presumed to be Communist-dominated?

Mr. IVES. No; that is not the intent or purpose of it at all.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. IVES. I yield.

Mr. KNOWLAND. Is it not correct that the point raised by the Senator from Oregon was raised by a number of Senators, prior to the modification of the amendment by the Senator from New York?

Mr. IVES. That is correct.

Mr. KNOWLAND. That would have been the situation, if the amendment had not been modified.

Mr. IVES. That is correct. I modified the amendment to take care of that situation by putting in "or other labor organizations."

Mr. BUTLER. Mr. President, will the Senator yield further?

Mr. IVES. I yield.

Mr. BUTLER. Is it not true that if the Senator's amendment is adopted as presently framed there will be some independent unions which will not have the protection afforded by the bill?

Mr. IVES. Certainly.

Mr. BUTLER. Those unions are the ones which have been kicked out by the CIO, are they not?

Mr. IVES. The UE is one of them.

Mr. CORDON. I am attempting to ascertain when the presumption of guilt does attach.

Mr. COOPER. Mr. President, will the Senator from New York yield?

Mr. IVES. I yield to the Senator from Kentucky.

Mr. COOPER. I am interested in the question the Senator from Oregon has raised. I believe the Subversive Activities Control Act itself—and I am certain the Senator from Nevada [Mr. McCARRAN] would know about this—provides that in every case a preponderance of evidence must be established before a finding can be made by the Board. Is that correct?

Mr. McCARRAN. That is correct.

Mr. COOPER. I think that under the law as it applies to any person or organization brought before the Board, a preponderance of evidence must be established, which is a little bit more than even a presumption of innocence.

This wording seems to me simply to apply that presumption, which must be rebutted, in the case of certain organizations; but in every case, according to the act, I believe it is certain that the preponderance of the evidence must be established.

Mr. McCARRAN. I understand the amendment as modified applied the presumption to all labor organizations.

Mr. IVES. That is right.

Mr. McCARRAN. Otherwise it would have provided for a class to which a presumption applied and another class to which no presumption applied; which was the question raised by the Senator from Oregon. The change of the amendment altered that situation, as I understand it.

Mr. IVES. It was intended to.

Mr. GORE. Mr. President, reserving the right to object, this whole subsection (4A) of section 2 describes the conditions under which an organization can be termed a "Communist-infiltrated organization." If we are to set up a presumption of innocence, then it would appear to the junior Senator from Tennessee that the presumption should apply to the whole subsection, rather than to just a part of the subsection.

I hope the Senator from New York [Mr. IVES] will allow his amendment to be inserted at the conclusion of the subsection. I see no justification for providing a presumption of innocence down to and including line 8, but providing no presumption to cover the conditions set out in lines 9, 10, 11, 12, 13, and 14.

I should not like to object to the Senator's request.

Mr. IVES. I really think it should be at the end, myself.

Mr. GORE. I believe that is right.

Mr. IVES. I think it should be at the end, the way I had it originally. What I was trying to do was to comply with thoughts being expressed here.

The PRESIDING OFFICER. The Senator from New York has asked unanimous consent to modify his amendment. Is there objection?

Mr. GORE. Mr. President, reserving the right to object, I understand the Senator wishes to withdraw his unanimous-consent request to make it apply to line 8.

Mr. IVES. My unanimous-consent requests cover the other two modifications I have added. I am making a unanimous-consent request on all three.

Mr. GORE. Reserving the right to object, is it still the Senator's intention to offer the amendment to follow the word "Forces"?

Mr. IVES. Yes.

Mr. GORE. I have no objection.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. IVES. I yield.

Mr. HOLLAND. Reserving the right to object—and I shall not object, if the situation is as I understand it—is it the Senator's intention by his series of modifications to make it clear that the presumption of innocence, which is a prima facie presumption, shall pertain to all lawful union organizations regardless of whether they are affiliated with the great national organizations or whether they are smaller organizations which have a good record for law observance?

Mr. IVES. That is my purpose.

Mr. McCARRAN. Mr. President, that could not be the purpose of the Senator from New York if I understood the answer to my question—at least, if I propounded an intelligible question. Sup-

pose an organization has already been ousted from a national organization because it is communistic.

Mr. IVES. Then such organization is not in good standing.

Mr. McCARRAN. The presumption does not then apply?

Mr. IVES. No; it does not apply at all. That is definitely implied in the amendment.

I should like to read the amendment as it now is, finally, and to ask unanimous consent that it may be so modified.

On page 2, in line 14, following the words, "Armed Forces", add the following:

Provided, however, That any labor organization which is an affiliate in good standing of a national Federation of other labor organization whose policies and activities have been directed to opposing Communist organizations, any Communist foreign government, or the world Communist movement, shall be presumed prima facie not to be a "Communist-infiltrated organization."

The PRESIDING OFFICER. The Senator from New York has requested unanimous consent to modify his amendment.

Is there objection? The Chair hears none. Without objection, the amendment is modified accordingly.

Mr. IVES. Mr. President, I ask that the vote be taken on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment of the Senator from New York.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. SALTONSTALL. I announce that the Senator from North Dakota [Mr. LANGER] is absent by leave of the Senate.

The Senator from Vermont [Mr. FLANDERS] is necessarily absent.

If present and voting, the Senator from Vermont [Mr. FLANDERS] would vote "yea."

Mr. CLEMENTS. I announce that the Senator from Mississippi [Mr. EASTLAND], the Senators from North Carolina [Mr. ERVIN and Mr. LENNON], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from West Virginia [Mr. NEELY] are absent on official business.

The Senator from Alabama [Mr. SPARKMAN] is necessarily absent.

I announce further that if present and voting, the Senators from North Carolina [Mr. ERVIN and Mr. LENNON], and the Senator from West Virginia [Mr. NEELY] would vote "yea."

The result was announced—yeas 87, nays 1, as follows:

YEAS—87

Aiken	Cooper	Hayden
Anderson	Cordon	Hendrickson
Barrett	Crippa	Hennings
Beall	Daniel	Hickenlooper
Bennett	Dirksen	Hill
Bowring	Douglas	Holland
Bricker	Duff	Humphrey
Bridges	Dworshak	Ives
Burke	Ellender	Jackson
Bush	Ferguson	Jenner
Butler	Frear	Johnson, Colo.
Byrd	Fulbright	Johnson, Tex.
Capehart	George	Johnston, S. C.
Carlson	Gillette	Kennedy
Case	Goldwater	Kerr
Chavez	Gore	Kilgore
Clements	Green	Knowland
Kuchel	Morse	Smathers
Lehman	Mundt	Smith, Maine
Long	Murray	Smith, N. J.
Magnuson	Pastore	Stennis
Malone	Payne	Symington
Mansfield	Potter	Thye
Martin	Purtell	Upton
Maybank	Reynolds	Watkins
McCarthy	Robertson	Welker
McClellan	Russell	Wiley
Millikin	Saltonstall	Williams
Monroney	Schoeppel	Young

NAYS—1

McCarran

NOT VOTING—8

Eastland	Kefauver	Neely
Ervin	Langer	Sparkman
Flanders	Lennon	

So Mr. IVES' amendment, as modified, was agreed to.

AMBASSADOR CLARE BOOTH LUCE

Mr. BUSH. Mr. President, I have the honor to call the attention of the Senate to the presence today of a distinguished citizen of my State and a distinguished American, the Honorable Clare Booth Luce, American Ambassador to Italy. [Applause, Senators rising.]

The PRESIDING OFFICER (Mr. COOPER in the chair). The Chair is sure he speaks the sentiments of the Senate in extending to our distinguished guest a warm welcome.

Mr. KNOWLAND. Mr. President, I wish to join with the distinguished Senator from Connecticut [Mr. BUSH] and with the present occupant of the chair in extending a welcome to the distinguished American Ambassador to Italy, an outstanding American citizen and a former Member of the House of Representatives.

Mr. MAYBANK. Mr. President, may I, on this side of the aisle, join with the distinguished Senator from Connecticut, in welcoming the distinguished Ambassador, who lived on the Cooper River in South Carolina for many, many years during the winter. We always welcome her to South Carolina, and remember the good work she did in our State for charity.

Mr. SMITH of New Jersey. Mr. President, I am happy to join with my colleagues in extending a warm welcome to the distinguished Ambassador to Italy from the United States.

Mr. WILEY. Mr. President, I, too, wish to associate myself with the comments of my colleagues, because this distinguished American for quite some time, when she was a young lady, lived in the great State of Wisconsin, up among the lakes, and ate considerable of that great product known as Wisconsin cheese—and then she went forth and gave her wisdom to the world. I am happy she is here with us. She has made a great contribution in the diplomatic history of our country.

INTERNAL SECURITY

Mr. McCARRAN. Mr. President, some days ago it was my privilege to preside over a meeting of the Subcommittee on Internal Security, at which time we heard the testimony of Mr. David Hoyt, former security officer for the Intergovernmental Committee for European Migration. His testimony is exceedingly interesting, in that it discloses no screening whatever for the security of the countries of the Western Hemisphere, or any other country, for that matter. I ask that his testimony, which is quite brief, be inserted at this point in the RECORD as a part of my remarks.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

INTERNAL SECURITY

UNITED STATES SENATE,
SUBCOMMITTEE TO INVESTIGATE
THE ADMINISTRATION OF
THE INTERNAL SECURITY ACT AND
OTHER INTERNAL SECURITY LAWS,
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C., July 30, 1954.

The subcommittee met at 3:45 p. m., pursuant to call, in room F–52, the Capitol, Hon. PAT MCCARRAN presiding.

Present: Senator MCCARRAN.

Also present: Richard Arens, special counsel to the subcommittee.

Senator MCCARRAN. The committee will come to order.

Do you solemnly swear the testimony you are about to give before the subcommittee of the Committee on the Judiciary of the United States Senate will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HOYT. I do, Senator.

Senator MCCARRAN. You may proceed.

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

TESTIMONY OF DAVID D. HOYT, SARASOTA, FLA.

Mr. HOYT. My name is David D. Hoyt. I am presently residing at Sarasota, Fla., the home of my brother-in-law, Dr. Cecil E. Miller. I have been employed for some 9 years as an investigator and security officer with the State Department. I was loaned by the State Department to the Migration Committee for 2 years and 3 months.

Mr. ARENS. What Migration Committee is that?

Mr. HOYT. That is known as ICEM, I-C-E-M, Intergovernmental Committee for European Migration.

Mr. ARENS. And when were you loaned to the Intergovernmental Committee for European Migration?

Mr. HOYT. I was last loaned to them on April 1, 1952, as the security officer with the committee.

Mr. ARENS. Would you tell us what was your particular job with the Intergovernmental Committee for European Migration?

Mr. HOYT. My particular job was to act as the committee's security officer, in that capacity performing the normal work of a security officer, screening the staff and so forth.

Mr. ARENS. Were you the chief person employed by the Intergovernmental Committee for European Migration on security matters?

Mr. HOYT. I was the only one, sir. I was the only security man.

Mr. ARENS. How long were you so engaged?

Mr. HOYT. From April 1, 1952, until July 9 of 1954.

Mr. ARENS. And what precipitated the severance of your relationship with the Intergovernmental Committee for European Migration?

Mr. HOYT. I left generally because I was dissatisfied with the security within the committee and principally in relation to the screening or migrants moving to South America.

Mr. ARENS. Did you resign?

Mr. HOYT. I resigned.

Mr. ARENS. It was not a forced resignation in any sense of the word?

Mr. HOYT. No, sir.

Mr. ARENS. And you anticipate shortly being reengaged in the Department of State

of the United States in security work; is that correct?

Mr. HOYT. Yes, sir.

Mr. ARENS. I understood you to say a moment ago you left because you were dissatisfied with screening of migrants.

Mr. HOYT. That's correct.

Mr. ARENS. Tell us, first of all, who are the people who are moved by the Intergovernmental Committee for European Migration?

Mr. HOYT. The people moved are European member governments of the committee who are financially unable to move themselves.

Mr. ARENS. They are not necessarily in the refugee or displaced persons category, are they?

Mr. HOYT. Not necessarily, but that may be.

Mr. ARENS. And what is the volume of movement of the Migration Committee? May I ask you if you know the prospective volume, say, for 1954?

Mr. HOYT. About 118,000, sir.

Mr. ARENS. And these people will be moved from Europe during 1954 principally into the Western Hemisphere, will they not?

Mr. HOYT. Principally.

Mr. ARENS. They will go into Argentina, Brazil, Venezuela, Chile, and other countries principally in the Western Hemisphere; is that not correct?

Mr. HOYT. Yes, sir; and Canada, and the only member government outside of the Western Hemisphere is Australia where we are moving migrants.

Mr. ARENS. On the basis of your background as a security officer and on the basis of your knowledge and observation of the screening operations of the Intergovernmental Committee for European Migration, can you tell this committee whether or not in your judgment the security screening of these people who are being moved into the Western Hemisphere from Europe is a satisfactory screening?

Mr. HOYT. For those migrants moving to South American countries, with minor exceptions, the security is entirely inadequate.

Mr. ARENS. The people who are being moved are people principally from Italy, are they not?

Mr. HOYT. Principally from Italy, but quite a number from Greece.

Mr. ARENS. And in Italy there is a 40-percent Communist vote, is there not?

Mr. HOYT. That is correct.

Mr. ARENS. In your judgment is the present process of moving people in vast numbers from Europe who are inadequately screened from a security standpoint a risk to the security of the Western Hemisphere and to the United States of America?

Mr. HOYT. I feel very strongly that it is.

Senator MCCARRAN. I want to express my gratitude and the gratitude of the committee for your coming before the committee to give your testimony here and enlightening us on the subject because it is highly important.

Mr. HOYT. Thank you, Senator.

Senator MCCARRAN. Thank you for coming up here.

(Whereupon, at 3:55 p. m., Friday, July 30, 1954, the hearing was recessed, subject to the call of the Chair.)

IDENTITY OF CERTAIN COMMUNIST-INFILTRATED ORGANIZATIONS

The Senate resumed the consideration of the bill (S. 3706) to amend the Subversive Activities Control Act of 1950 to provide for the determination of the identity of certain Communist-infiltrated organizations, and for other purposes.

Mr. HUMPHREY. Mr. President, I wish to call up my amendment designated "8–11–54–J," an amendment in the nature of a substitute.

The PRESIDING OFFICER. Does the Senator from Minnesota desire that the entire substitute be read?

Mr. HUMPHREY. Yes. I want to have the entire substitute read, and I make one modification. On page 3, line 18, where it is written "punished as provided by section 15," it should read "punished as provided by the penalty provisions of section 15."

Prior to the reading of the amendment, if I may be permitted, I ask unanimous consent to have added as additional cosponsors along with Senators DOUGLAS, KENNEDY, MORSE, and myself, the following Senators: MANSFIELD, SMATHERS, PASTORE, MURRAY, JOHNSTON of South Carolina, MAYBANK, ANDERSON, SYMINGTON, JACKSON, MAGNUSON, STENNIS, LEHMAN, JOHNSON of Colorado, MONRONEY, HILL, KERR, and DANIEL.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the amendment.

The LEGISLATIVE CLERK. It is proposed to strike out all after the enacting clause and insert in lieu thereof the following:

That this act may be cited as the "Communist Control Act of 1954."

FINDINGS OF FACT

SEC. 2. The Congress hereby finds and declares that the Communist Party of the United States, although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the Government of the United States. It constitutes an authoritarian dictatorship within a republic, demanding for itself the rights and privileges accorded to other political parties, but denying to all others the liberties guaranteed by the Constitution. Unlike other political parties, which evolve their policies and programs through public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs to the electorate at large for approval or disapproval, the policies and programs of the Communist Party are secretly prescribed for it by the foreign leaders of the world Communist movement. Its members have no part in determining its goals, and are not permitted to voice dissent to party objectives. Unlike members of other parties, members of the Communist Party are recruited for indoctrination with respect to its objectives and methods, and are organized, instructed, and disciplined to carry into action slavishly the assignments given them by their hierarchical chieftains. Unlike other political parties, the Communist Party acknowledges no constitutional or statutory limitations upon its conduct or upon that of its members. The Communist Party is relatively small numerically, and gives scant indication of capacity ever to attain its ends by lawful political means. The peril inherent in its operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its activities, and its dedication to the proposition that the present constitutional Government of the United States ultimately must be brought to ruin by any available means, including resort to force and violence. Holding that doctrine, its role as the agency of a hostile foreign power renders its existence a continuing threat to the security of the United States. It is the means whereby individuals are seduced into the service of the world Communist movement, trained to do its bidding, and directed and controlled in the conspiratorial performance of their revolutionary services.

PROSCRIBED ORGANIZATIONS

SEC. 3. (a) Whoever knowingly and willfully becomes or remains a member of (1) the Communist Party, or (2) any other organization having for one of its purposes or objectives the establishment, control, conduct, seizure, or overthrow of the Government of the United States, or the government of any State or political subdivision thereof, by the use of force or violence, with knowledge of the purpose or objective of such organization, shall upon conviction be punished as provided by the penalty provisions of section 15 of the Subversive Activities Control Act of 1950 (50 U. S. C. 794).

(b) For the purposes of this section, the term "Communist Party" means the organization now known as the Communist Party of the United States of America, the Communist Party of any State or subdivision thereof, and any unit or subdivision of any such organization, whether or not any change is hereafter made in the name thereof.

SUBVERSIVE ACTIVITIES CONTROL ACT AMENDMENT

SEC. 4. Subsection 5 (a) (1) of the Subversive Activities Control Act of 1950 (50 U. S. C. 784) is amended by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: "or

"(E) to hold office or employment with any labor organization, as that term is defined in section 2 (5) of the National Labor Relations Act (29 U. S. C. 152) or to represent any employer in any matter or proceeding arising or pending under that act."

And to amend the title so as to read: "A bill to outlaw the Communist Party, to prohibit members of Communist organizations from serving in certain representative capacities, and for other purposes."

Mr. HUMPHREY. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HUMPHREY. Mr. President, the amendment is offered in the nature of a substitute. I have discussed the parliamentary situation with respect to offering amendments to the amendment in the nature of a substitute. My comments on the amendment will be very brief, because it is not necessary to make extensive remarks on the amendment.

Section 2 of my substitute is headed "Findings of Fact." Those findings of fact have been verified in recent weeks by the Subversive Activities Control Board, namely, that the Communist Party is a conspiracy directed toward the violent overthrow of the Government of the United States.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. MORSE. Is it within the power of the imagination of the Senator from Minnesota to conceive that any Senator could not take judicial notice of the findings of fact set out in section 2 of our amendment?

Mr. HUMPHREY. If any Member of the Senate will study section 2 of the amendment, which relates to findings of fact, he will have to come to the conclusion that it is a true statement of fact. It is a statement which is not based upon theory or upon some form of philosophical analysis, but upon observation of the facts of life, both at home and abroad.

Mr. President, I inquire whether by the reading of the amendment by the clerk the text of the amendment is incorporated in the body of the RECORD?

The PRESIDING OFFICER (Mr. COOPER in the chair). The Chair ad-

vises the Senator that the amendment has been incorporated in the RECORD. It will be printed in the RECORD at the point where it was read.

Mr. HUMPHREY. The first statement under "Findings of fact" reads:

SEC. 2. Congress hereby finds and declares——

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. MAYBANK. Do I understand that the amendment in the nature of a substitute offered by the Senator from Minnesota would in no way weaken the present law, but would make the law stronger? Is that correct?

Mr. HUMPHREY. That is correct. I point out that the amendment gets at the root of the evil, instead of working on the fringes and on the flanks of the problem. The findings of fact state:

The Congress hereby finds and declares that the Communist Party of the United States, although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the Government of the United States. It constitutes an authoritarian dictatorship within a republic, demanding for itself the rights and privileges accorded to other political parties.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. PASTORE. I ask the Senator whether it is not a fact that the President of the United States took that identical position in his state of the Union message, when, speaking on the subject, he said:

The subversive character of the Communist Party in the United States has been clearly demonstrated in many ways, including court proceedings. We should recognize by law a fact that is plain to all thoughtful citizens—that we are dealing here with actions akin to treason—that when a citizen knowingly participates in the Communist conspiracy he no longer holds allegiance to the United States.

Mr. HUMPHREY. I thank the Senator from Rhode Island. Of course, he is eminently correct. The President in his state of the Union message made manifestly clear the nature of the Communist Party, its activities, its apparatus, its purposes, and its objectives.

In my statement of findings of fact I say:

The Congress hereby finds and declares that the Communist Party of the United States, although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the Government of the United States.

I do not believe that further documentation of that fact is necessary. There have been cases in court in which leaders of the Communist Party were tried and convicted and sentenced on that charge. We have had innumerable instances in which leaders of the Communist Party have been found to be advocating and conspiring the overthrow of this Government. I continue reading from the findings of fact:

It constitutes an authoritarian dictatorship within a republic, demanding for itself the rights and privileges accorded to other political parties, but denying to all others the liberties guaranteed by the Constitution.

Let us face the facts and get down to the root of the evil. The Communist Party changes its direction, its tactics, and its strategy, not by a vote of its membership, not by due consideration on the part of its members within the United States, but on orders from the Cominform or the Kremlin. There is not a shadow of a doubt that that is the case.

The findings of fact continue:

Unlike other political parties, which evolve their policies and programs through public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs to the electorate at large for approval or disapproval, the policies and programs of the Communist Party are secretly prescribed for it by the foreign leaders of the world Communist movement.

There is no better illustration of that fact than what happened in the days prior to American participation in World War II. Only a few weeks before Nazi Germany attacked the Soviet Union, the war in Europe was branded as an imperialist war. Banners were carried in the Nation's Capital proclaiming "The Yanks Are Not Coming." Every effort was made to stymie and hold back the defense effort of the Government of the United States and the people of our country.

On the day the Nazi attack on the Soviet Union took place, the Communist Party of the United States turned completely about, and suddenly we were told that the war was not an imperialist design. Suddenly we were told it was a crusade, and the banners that had proclaimed "The Yanks Are Not Coming," suddenly proclaimed "The Yanks Are Coming Too Late."

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. PASTORE. Is the distinguished Senator bothered too much by the specious argument that by outlawing the Communist Party we will drive it underground?

Mr. HUMPHREY. I have heard that statement made again and again, and for a period of time I believed that outlawing the Communist Party or, better, prescribing certain punishment for membership in the Communist Party, would drive the Communist Party so far underground that we would not be able properly to protect the security of this country. I do not believe that argument any more, and I will tell the Senate why.

With the passage of the McCarran Act of 1950 and the Smith Act in the early 1940's, whatever going underground was to take place has already taken place.

Mr. PASTORE. Does the Senator agree with me that if this amendment is adopted, it will not only drive Communists underground, but will bury them once and for all?

Mr. HUMPHREY. That would be my hope.

Mr. MORSE. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. MORSE. Along the line of the question which the Senator from Rhode Island has so keenly asked, is it not true that the activities of the Communist Party, so far as the subversion and espionage are concerned, have always been underground and that we have always had to dig them out?

Mr. HUMPHREY. The Senator is absolutely correct. The apparatus of the Communist Party works literally at two levels: one, the soapbox type of apparatus, namely, the public pronouncement; second, the carefully planned conspiratorial apparatus which carries on infiltration into key Government agencies, labor organizations, and cultural institutions.

The purpose of this amendment is to "come clean." I, for one, am growing sick and tired of having bill after bill brought to the Congress that does not reflect a willingness and the courage to go to the center of the problem.

Mr. MORSE. Does the Senator from Minnesota agree with me—and I am sure the question of the Senator from Rhode Island [Mr. PASTORE] indicates that he shares my point of view—that what our amendment seeks to do is really to meet the Communist issue in this country head-on?

Mr. HUMPHREY. That is correct.

Mr. MORSE. We seek to make the Communist movement an unlawful activity, and to place the burden where it belongs, both upon the Subversive Activities Board and also upon the Department of Justice, to proceed to do something about bringing to an end the Communist danger in this country.

Mr. HUMPHREY. The Senator is correct; and I thank him for his very appropriate observations.

Mr. PASTORE. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield to the Senator from Rhode Island.

Mr. PASTORE. Is it not a fact that what we are trying to do through this substitute is to recognize the fact that the Communist Party is a part of an international conspiracy to destroy our Bill of Rights and our American institutions? By this action are we not saying that everyone who belongs to it is a criminal in the eyes of Americans?

Mr. HUMPHREY. That is correct. Is there one iota or shadow of doubt that the Communist Party in the United States is but a part of a world conspiratorial organization, the effort and purpose of which are the destruction of republican government, of free political institutions, free economic institutions, free religious institutions, and free cultural institutions? Is there any doubt about that?

Mr. KENNEDY. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield to the Senator from Massachusetts.

Mr. KENNEDY. Does not the Senator feel that one of the great difficulties has been our treatment of the Communist Party as a legitimate political party, permitting its candidates to run for office, permitting members to be drafted into the armed services and so forth, and, on the other hand, treating many Communists as enemies of the Republic? That situation would be ended if we should adopt the amendment proposed by the Senator from Minnesota and other Senators.

Mr. HUMPHREY. The Senator is eminently correct. I point out that the President of the United States, in his State of the Union message, stated in a public speech before the Congress of the United States exactly what the amendment of the Senator from Minnesota and other Senators proposes to state by law. There is no use in kidding ourselves. If there is anything illegal about branding the Communist Party as a conspiratorial apparatus, this amendment would make that illegality legal, if I may use that kind of terminology.

Mr. JOHNSTON of South Carolina and Mr. LEHMAN addressed the Chair.

Mr. HUMPHREY. I yield first to the Senator from South Carolina, and then to the Senator from New York.

Mr. JOHNSTON of South Carolina. Is it not also true that there are two types of Communists? One is the soap box orator. This amendment would certainly do away with him. Does not the Senator from Minnesota think that when we let them talk, and talk and talk we are aiding them to a certain extent, and that this amendment would put them out of existence?

Mr. HUMPHREY. I think so.

I ask the indulgence of the Senate as I read a few lines of section 3, subsection (a) of the amendment:

> Whoever knowingly and wilfully becomes or remains a member of (1) the Communist Party, or (2) any other organization—

There is a possibility that they will change into a new political cloak. We take care of that situation in this amendment, when we say:

> Whoever knowingly and wilfully becomes or remains a member of (1) the Communist Party, or (2) any other organization having for one of its purposes or objectives the establishment, control, conduct, seizure, or overthrow of the Government of the United States, or the Government of any State or political subdivision thereof, by the use of force or violence, with knowledge of the purpose or objective of such organization, shall upon conviction be punished as provided by section 15 of the Subversive Activities Control Act of 1950.

That means due process of law, in a court of competent jurisdiction.

We also say:

> knowingly and wilfully becomes or remains a member of the Communist Party.

We also say:

> or any other organization having for one of its purposes or objectives the establishment, control, conduct, seizure, or overthrow of the Government of the United States, or the government of any State or political subdivision thereof.

Mr. President, this amendment is a frank approach to the very difficult, harassing, constantly perplexing problem of Communist domination of certain organizations and subversions in Government. As one who is deeply interested in the preservation of our basic liberties, and as one who has stood on the floor of the Senate with my colleagues defending our Bill of Rights and our constitutional government, I say the time is at hand to join issue with reference to this problem. I am of the opinion that many a bill has been introduced in the Congress which touches on the fringes of the issue but does not get to the heart of it. We are making an honest attempt to remedy the situation.

I now yield to the Senator from New York.

Mr. LEHMAN. Mr. President. I think the Senator has already made the point I had in mind. This substitute is an honest and undisguised frontal attack on the very heart of the problem. It avoids all pussyfooting. It is frank and undisguised in its nature.

Does the Senator agree with me that if the substitute should be adopted it would obviate the necessity of considering a large number of little fringe bills which are constantly being introduced, which do not reach the heart of the matter, but merely confuse the issue and confuse the thinking of the people throughout the country?

Mr. HUMPHREY. The Senator is correct. Much of the time of Congress is taken up week after week and month after month in investigating Communists, and hundreds of thousands of dollars are appropriated. Political capital is constantly being made of the issue. The time is at hand for Americans who believe in the principles of republican constitutional government to quit "horsing around" on this issue. I did not require very long to reach the conclusion that I had seen enough of piecemeal attempts. I have had enough of delayed efforts in the dying moments of a congressional session to line up Senator after Senator in support of a bill containing a multitude of details which it is impossible to comprehend in the last few moments remaining in a session.

The simple issue is, Are we for outlawing the Communist Party, or are we not? Do we believe it is a party dedicated to the destruction of this Republic? Is it a force dedicated to the destruction of this Government as we know it? If it is, then Senators should vote for this amendment.

If Senators do not believe that the Communist Party is such a conspiratorial force, let them vote against the amendment. There is no way in the world in which one can cloak himself in nice legal phrases.

The issue is before Congress, and I am quite confident that some persons are a little surprised that the junior Senator from Minnesota has placed the issue before Congress. Let the record be clear. This Senator has been fighting the Communist movement ever since he entered public life, and before. I am tired of reading headlines about being "soft" toward communism. I am tired of reading headlines about being a leftist, and about others being leftists. I am tired of having people play the Communist issue as though it were a great overture which has lasted for years. I want to come to grips with the Communist issue. I want Senators to stand up and to answer whether they are for the Communist Party, or are against it. The proposal in the amendment will place Senators right on the line. They cannot duck this one. This amendment would make the Communist Party, its membership, and its apparatus illegal. It would make membership in the Communist Party subject to criminal penalties. It would support the Department of Justice by all the law which any department would need. I feel proud at this hour to be able to present to the Senate an amendment with such distinguished cosponsors.

I shall not say much more about it, but if our proposal is accepted, the rash of little resolutions which have been coming through the Senate will not be needed. We shall have struck at the snake. We shall hold him in the hollow of our hands. We shall have a club in our hands. We shall have the means to strike a lethal blow at the conspiratorial forces of international communisim, as it works its devious, subtle, and dangerous way throughout the United States.

I do not intend to be a half patriot. I will not be lukewarm. The issue is drawn. Either Senators are for recognizing the Communist Party for what it is, or they will continue to trip over the niceties of legal technicalities and details.

I believe the amendment is necessary to strengthen the hand of our Government in dealing with conspiratorial forces.

Mr. President, I have no more to say. I have made my case.

Mr. MORSE. Mr. President, I shall be very brief in my comments in support of the amendment of which I have the honor to be one of the cosponsors, together with my friend, the distinguished junior Senator from Massachusetts [Mr. KENNEDY], under the authorship of the distinguished junior Senator from Minnesota [Mr. HUMPHREY].

In my judgment, this should be considered one of the most unifying legislative proposals offered in the Senate of the United States for many a year. In fact, I think the line ought to form on the right at the desk of the clerk for the cosponsorship of this amendment by other Members of the Senate.

I have listened for years to a great deal of fanning of the breeze in the Senate on the Communist issue; but, in my judgment, this amendment brings us to grips with the Communist problem. We who are offering the amendment are doing so because it is high time to strike a blow against the Communist Party in no uncertain terms by making it unlawful.

In my judgment, this amendment should bring the conservatives and the liberals together, because we have always been of one mind on the issue of communism. As constitutional liberals, on the one side, and as constitutional conservatives, on the other, we have all been dedicated to a common patriotic motive, namely, that our constitutional system of Government shall persevere in the history of the United States.

What is sought to be done by the amendment is to remove any doubt in the Senate as to where we stand on the issue of communism. Senators may recall that the last argument which I made in my remarks last night against the Butler bill was that, in my judgment, we should go after the problem of communism in this country from the standpoint of acts committed by the individual. The Department of Justice now has all the authority it needs to proceed to handle the problem of commu-

nism from the standpoint of the acts of individuals. But in my judgment there is needed on the statute books a law which will make it very clear to the Department of Justice that Congress has outlawed the activity of the Communist Party.

As I said earlier, in my questioning of the Senator from Minnesota, I am not moved to the slightest degree by the old, fallacious, phony argument that if the problem of communism is met head-on by outlawing the party, communism will be driven underground. Its dangerous activities, its subversive activities, its espionage activities, always have been carried on underground. It is about time for us to face the fact that what is needed to be done is to define the Communist Party as an unlawful conspiracy, as it is defined in the amendment, and then make it clear to the Department of Justice and the Subversive Activities Control Board that Congress expects from them effective law enforcement against the conspiracy program of the Communist Party to undermine constitutionalism in the United States.

I understand that the junior Senator from Texas [Mr. DANIEL] has given some consideration to possible further amendment of the amendment which the junior Senator from Minnesota has offered, and which the junior Senator from Massachusetts [Mr. KENNEDY] and I have cosponsored. I have not had an opportunity to consult with the Senator from Minnesota, but the discussion which I had with the Senator from Texas leads me to believe that there is great merit in most of the suggestions which he made to me. I am perfectly willing to go along with amendments to the pending amendment which would make it even stronger and more effective, if that can be done. I think the suggestions made by the Senator from Texas would accomplish that purpose.

I close by saying that I am proud to stand on the floor of the Senate today as one of the cosponsors of an amendment which, in my judgment, would carry out one of the pronouncements of the President of the United States in his state of the Union message on the subject of communism. I am proud to be associated with the Senator from Minnesota and the Senator from Massachusetts in sponsoring the amendment, because by the amendment we put it up to the Senate to "fish or cut bait" on the Communist issue.

Mr. BUTLER. Mr. President, the amendment offered by the Senator from Minnesota is merely another way of keeping the bill from coming to a vote. The Senator from Minnesota must know that there is much doubt about the constitutionality of the amendment in the nature of a substitute which he has offered. We are all against communism. We all want to see the Communist Party outlawed. But we do not want to do it in a way which, in my opinion, would destroy the Internal Security Act, which has been on the statute books since 1950, the Smith Act, and other laws designed to combat the Communist menace.

The Senator from Minnesota must know that there is no longer any such thing as a member of the Communist Party. Such persons do not carry membership cards. No membership records are kept. There is no way of knowing who is a member of the Communist Party.

I feel that the amendment would not only destroy the bill which was reported by the committee, after much study, but would also destroy the Internal Security Act, the Smith Act, and other acts directed toward breaking up the Communist conspiracy in the United States.

Mr. DANIEL. Mr. President, will the Senator yield?

Mr. BUTLER. I am happy to yield.

Mr. DANIEL. I agree with some of the remarks which have just been made by the Senator from Maryland. Certainly the amendment in the nature of a substitute offered by the Senator from Minnesota would have the effect of displacing the bill now before the Senate. The Senator from Minnesota seeks to go a step further and to outlaw the Communist Party in the United States.

Mr. BUTLER. I would have no objection to that.

Mr. DANIEL. Therefore, I should like to ask the Senator from Maryland if he does not think it is possible to accomplish both purposes.

Mr. BUTLER. I do.

Mr. DANIEL. I should like to vote for the substitute which has been offered by the Senator from Minnesota, which declares that the Communist Party shall be outlawed because it has been found to be part of a conspiracy to overthrow our Government by force. I should also like to vote for most of the provisions in the bill now before the Senate concerning Communist-infiltrated organizations.

Therefore, would it not be possible to amend the bill to accomplish both purposes? I intend to offer such an amendment. I have had one prepared. I have discussed it with some Senators.

My amendment would amend the Humphrey substitute by including provisions of the Butler bill which has been reported from the committee. The Senate would then be in a position to accomplish both purposes which have been discussed; outlaw the Communist Party, embodying the provisions which the Senator from Minnesota has outlined, and at the same time adopt the provisions concerning Communist-infiltrated organizations, as outlined by the Senator from Maryland.

Mr. BUTLER. The Senator from Maryland would accept such an amendment.

Mr. DANIEL. However, I may say to the Senator from Maryland that my amendment would make some minor changes in his bill.

Mr. BUTLER. I should like to hear them. I merely wish to say that extensive hearings were held on the bill, and there was never any intimation that an amendment would be offered such as has been offered by the Senator from Minnesota. The Senator from Minnesota did not appear before the committee to offer, or even suggest he was going to offer, such an amendment.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. BUTLER. I yield to the Senator from Minnesota.

Mr. HUMPHREY. I may say to the Senator from Maryland that the junior Senator from Minnesota on May 14, on behalf of myself and the Senator from Illinois [Mr. DOUGLAS], offered an amendment which was the result of 7 months' work on the part of the Senate Committee on Labor and Public Welfare, which would have provided the National Labor Relations Board with extensive authority to enforce the filing of non-Communist affidavits, which, by the way, the Supreme Court said were not enforceable under present law. Also it was proposed to provide the National Labor Relations Board with complete authority to hold a union as being in noncompliance with the National Labor Relations Act if it was Communist infiltrated, or if it had any officers who were members of the Communist Party.

The Senator from Minnesota is no "Johnny-come-lately" in this area. I was rather surprised that the amendment to the bill which the Senator from Minnesota presented on May 14, as a result of 7 months of hearings, was not given the courtesy of a friendly reception by the appropriate committee of the Senate.

Mr. MANSFIELD. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HENDRICKSON in the chair). The Senator from Maryland has the floor.

Mr. BUTLER. Before I yield to the Senator from Montana, I should like to say to the Senator from Minnesota that he did not really touch the question I raised. I know the Senator from Minnesota and the Senator from Illinois offered an amendment of the nature he has described. He did not offer to the committee or to the task force conducting the hearings the proposal which he is now making, or anything even approaching the present proposal. He now offers on the floor of the Senate an amendment which, in my opinion, would completely kill the bill, kill the Interal Security Act, and kill the other bills or acts designed to break up the Communist conspiracy.

Mr. HUMPHREY. Mr. President, those are strong words. Will the Senator yield?

Mr. BUTLER. I yield.

Mr. HUMPHREY. Does the Senator from Maryland interpret the substitute presented by the Senator from Minnesota for himself and many other Senators as a means or an effort to weaken or destroy the attempts of the Government of the United States to knock out the conspiratorial apparatus of the Communist Party? I know the Senator from Maryland is very sincere in his comments, but I may say to the Senator that what my substitute proposes to do is what no other public law to date has done, namely, declare that the Communist Party is a conspiratorial party directed toward the overthrow of the Government; secondly, that any person who knowingly or wilfully becomes or remains a member of the Communist Party is subject to the full penalties of the law. What more powerful law could we have to enforce than that?

Mr. BUTLER. I shall answer the question of the Senator from Minnesota.

In the first place, the Senator from Minnesota knows that there is a great deal of doubt as to the constitutionality of the amendment he offers. In the second place, the Senator knows that there is no longer any such thing as a member of the Communist Party. The party has destroyed all its membership lists. Members do not have cards. They do not have any visible means of showing that they are members of the Communist Party. The Senator also knows that the Attorney General of the United States is absolutely opposed to his amendment. The Senator also knows that J. Edgar Hoover, head of the Federal Bureau of Investigation, is in great doubt as to validity of the amendment of the Senator from Minnesota, and is against it. The Senator also knows that, in view of those facts, the adoption of his amendment would reverse the whole process of going after the issue of communism in this country.

Mr. HUMPHREY. Mr. President, will the Senator yield at that point?

Mr. BUTLER. I yield.

Mr. HUMPHREY. Does the Senator realize that the Federal Bureau of Investigation does know, and has so stated, that there are members of the Communist Party? Does he know that publications in this country have listed the members of the Communist Party by numbers, State by State? Does the Senator further know that the Communist Party is an organized unit in this country? Does he know that only last week newspapers published stories of a secret meeting in the city of New York? Does the Senator further know that one of the reasons why the Senator from Minnesota had grave doubts about the original antisubversive bill was that he thought it might drive the Communists underground? Finally, may I say to the Senator, it is wonderful to hear from the Republican side of this body that laws passed by a Democratic Congress were really effective on communism. My party has been branded as being soft on communism. I am delighted to hear the Senator from Maryland state that we passed an effective law against communism.

Mr. BUTLER. Mr. President, the Senator from Maryland has the floor. The Senator from Maryland will say to the Senator from Minnesota that the Internal Security Act was enacted over the veto of a Democratic President.

Mr. HUMPHREY. May I say to the Senator from Maryland that it was passed by a Democratic Congress?

Mr. BUTLER. With a lot of help from the Republicans and no help from the White House.

Mr. DANIEL. Mr. President, will the Senator yield?

Mr. BUTLER. I yield to the Senator from Texas.

Mr. DANIEL. The junior Senator from Texas is merely trying to compose differences. I want to vote for the Humphrey substitute, and also for the Butler bill.

Mr. BUTLER. So does the Senator from Maryland.

Mr. DANIEL. In a few moments, as soon as the Senator from Texas gets the floor, he will offer an amendment to the Humphrey substitute, which will enable the Senate to vote for a bill which will both outlaw the Communist Party and also take care of Communist-infiltrated organizations as proposed by the Butler bill.

Mr. BUTLER. As I said to the Senator from Texas, I would be very glad to accept the amendment.

Mr. DANIEL. The Senator from Maryland desired to have me explain the changes I had made in his proposal.

Mr. BUTLER. Yes, if he will.

Mr. SMATHERS. Mr. President, will the Senator yield so that I may ask a question?

Mr. BUTLER. I am presently having a colloquy with the Senator from Texas.

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Florida?

Mr. BUTLER. I yield.

Mr. SMATHERS. I wanted to ask the Senator from Maryland how it is that he can say that it is legal to pass a law which states that a labor union cannot follow certain communistic practices, and then say it is illegal to outlaw the Communist Party? It seems to me that if one decides to cut off the branches of a tree because they are diseased, he must perforce say that the trunk of the tree is also diseased. What the Senator from Minnesota is trying to say is that communism per se is wrong, and that therefore any union or any person who follows the Communist line must likewise be wrong.

Mr. BUTLER. Let me say to the Senator that the outlawing of the Communist Party involves very serious constitutional questions.

Mr. SMATHERS. Yes. The Senator from Maryland says that the results of communism are bad but he will not go so far as to say that communism itself is bad. Is that what the Senator says?

Mr. BUTLER. We all say communism is bad.

Mr. SMATHERS. Then why do we not outlaw communism?

Mr. BUTLER. We are going to outlaw communism. We are going to accept the amendment.

Mr. SMATHERS. That is what the Senator from Minnesota [Mr. HUMPHREY] desires to do. It seems to me the Senator from Maryland should be very happy to support the substitute offered by the Senator from Minnesota. The Senator from Maryland does not like the results of communism. He says they are bad, and that we should declare them illegal. Why should we not say that the whole process is illegal?

Mr. BUTLER. That is what I hope we shall say. Will the Senator permit the Senator from Texas [Mr. DANIEL] to proceed?

Mr. DANIEL. Mr. President——

The PRESIDING OFFICER. The Chair reminds the Senator from Maryland that he can yield only for a question. Does the Senator from Maryland request unanimous consent that he may yield to the Senator from Texas for the purpose of offering a proposed amendment?

Mr. BUTLER. Mr. President, I make such a request, with the understanding I shall not lose the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Senator from Texas [Mr. DANIEL] is recognized.

Mr. DANIEL. Mr. President, the amendment which I shall send to the desk would amend the substitute offered by the Senator from Minnesota [Mr. HUMPHREY] so as to add all the provisions of the Butler bill which have been under discussion, with certain changes which I shall now outline.

I shall begin the discussion of my proposed amendment by saying that I have provided at the end of my proposed amendment a severability clause, which would take care of any doubts the distinguished Senator from Maryland [Mr. BUTLER] might have as to the constitutionality of the provisions of the substitute offered by the Senator from Minnesota [Mr. HUMPHREY].

Mr. BUTLER. I believe that is a very salutary provision. It should be in the bill.

Mr. HUMPHREY. Mr. President, will the Senator yield to me?

Mr. DANIEL. I yield for a question.

Mr. HUMPHREY. Would it not be appropriate, since the pending question now is the proposed amendment of the Senator from Minnesota, for the Senator from Texas to consult with the Senator from Minnesota and the cosponsors of the substitute to determine whether or not the amendment which the Senator from Texas proposes would meet with their approval?

The Senate is not now considering the bill of the Senator from Maryland [Mr. BUTLER]. The Senate is considering the amendment offered by the Senator from Minnesota [Mr. HUMPHREY], which is cosponsored by 16 or 17 of our colleagues.

Mr. DANIEL. The Senator from Minnesota probably did not hear my earlier remarks. I was agreeing with the Senator from Minnesota. In fact, I have joined him as a coauthor of his proposal.

Mr. HUMPHREY. Good.

Mr. DANIEL. I support the amendment of the Senator from Minnesota to outlaw the Communist Party. However, I also wish to preserve certain provisions of the bill which has been under discussion, with certain changes, adding them to the substitute offered by the Senator from Minnesota.

The Senator from Maryland raised certain objections, which I was trying to satisfy.

Mr. HUMPHREY. I am sorry. I misunderstood the Senator. I apologize to the Senator for not having clearly understood his intent.

Mr. DANIEL. I was simply trying to meet those objections, one of which I shall now discuss.

The Senator from Maryland said that he feared the constitutionality of some of the provisions in the amendment offered by the Senator from Minnesota. I said to the Senator from Maryland that one of the provisions in my amendment—the last provision, of course—is a severability clause. It would take care of that fear.

The other changes I should like to propose, Mr. President, begin on page 2 of S. 3706.

In each place in the bill where the words "5 years" appear I should like to insert in lieu thereof the word "3 years." Some argument has been made to the effect that if we provide for too long a period for going back into a person's affiliation with a Communist-infiltrated organization or a Communist-action organization, some people might be hesitant about leaving such organizations. I have discussed this particular provision with several Senators on both sides, and I propose to change the "5 years" to "3 years" in each place.

Mr. HUMPHREY. Mr. President, will the Senator yield at that point?

Mr. DANIEL. I yield to the Senator from Minnesota.

Mr. HUMPHREY. What the Senator from Texas is suggesting is along the line of what is provided in my proposed amendment, "8–11–54–I." I would have stricken "5 years" and inserted "1 year." Does the Senator suggest making it "3 years"?

Mr. DANIEL. That is correct. I am trying to compromise the difference, if possible, between the provisions of the bill and the provisions of the amendment offered by the Senator from Minnesota. I refer to another amendment of his which has not yet been considered.

Mr. HUMPHREY. It is lying on the desk.

Mr. DANIEL. It is on the desk. That amendment would reduce the period of time to 1 year. The provision in the bill of the Senator from Maryland is now 5 years.

I provide in my amendment that that period of time shall be 3 years. I believe the Senator from Maryland and the Senator from Minnesota will accept that compromise.

Mr. HUMPHREY. Yes; I would accept it.

Mr. DANIEL. That amendment is acceptable to the Senator from Minnesota. Is it acceptable to the Senator from Maryland?

Mr. BUTLER. I believe the reduction from 5 years to 3 years would very adversely affect the bill. I think such a time limit would be very difficult to operate under, and that amendment would very materially weaken the bill.

Mr. DANIEL. In what manner, may I ask? I had intended to suggest 2 years, and at the insistence of the Senator from Maryland that it should be a longer period of time I have changed it to 3 years. The Senator from Minnesota desires it to be 1 year.

Mr. BUTLER. Would the Senator be willing to accept 4 years?

Mr. DANIEL. In what way would it weaken the bill to have it 3 years instead of 5 years so far as the affiliation of an individual with such an organization is concerned?

Mr. BUTLER. I think it would tend to weaken the bill in this respect: Since the enactment of the Internal Security Act, the Smith Act, the bill of the Senator from Washington [Mr. MAGNUSON], and other legislation directed toward the control of the Communist menace, the Communists have attempted to destroy all records and go underground, and they have not left as much of a trace as we prefer they would leave. If the law permits us to go back only 3 years with regard to Communist affiliation, in all probability we shall not be able to include a number of persons who should be included.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DANIEL. If that be true, is it not also true that it means that the organizations have cleansed themselves or in some way have improved in recent years?

Mr. BUTLER. No. I do not think it would work that way at all. I know what the Senator from Texas is thinking, and I know what the Senator from Minnesota is thinking. It proves that these people have gone underground. To some extent that is true. It would be more difficult to operate on a 3-year basis than on a 5-year basis.

Mr. DANIEL. Will the Senator from Maryland hear the other modifications? I shall not ask for acceptance of any particular changes, but I request that the Senator from Maryland hear them all, and then determine whether or not he can accept the changes I shall suggest.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DANIEL. I yield for a question.

Mr. HUMPHREY. The Senator will recall, I am sure, the statements of Mr. Gouzenko, now under protective custody in Canada. He was the former code clerk for the Russians who broke away from communism. Mr. Gouzenko, I believe, has testified before representatives of the Senate.

Every expert, including Mr. Gouzenko, says that one thing which is needed in any kind of legislation dealing with this problem is an incentive for men and women to leave the Communist Party, so that they will not have scorn heaped upon them and will not be punished for their past action.

If we provide for going back 5 years, all we are going to do is literally to drive people back into the Communist apparatus, because we are unwilling to accept their cleansing and their willingness to change their pattern of life and become responsible and respectable citizens.

Mr. BUTLER. May I answer the question of the Senator from Minnesota?

Mr. DANIEL. I yield to the Senator from Maryland.

Mr. BUTLER. I think that is one of the weaknesses in the amendment proposed by the Senator. The Senator knows that all the Communists have to do is what they have done in connection with the affidavits required under section 9 (h) of the Taft-Hartley law. They resign from the Communist Party for a day and sign the affidavit. Then they immediately return to the party.

I do not believe there is any substance in the argument of the Senator from Minnesota.

Mr. MAGNUSON rose.

Mr. DANIEL. I yield to the Senator from Washington for a question.

Mr. MAGNUSON. I wonder if the Senator——

The PRESIDING OFFICER. The Chair reminds Senators that the Senator from Texas has the floor under a unanimous-consent agreement.

Mr. BUTLER. Mr. President, to clarify the situation, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland yields the floor. The Chair recognizes the Senator from Texas.

Mr. DANIEL. I yield to the Senator from Washington for a question.

Mr. MAGNUSON. Is the Senator not trying to resolve some legal doubt as to the question of the statute of limitations? As the Senator knows, lawyers in most States of the Union in criminal prosecutions operate under a statute of limitations of 3 years. This proviso would be in line with that practice, and would provide for going back 3 years. It would not be particularly in line legally, but it would establish a limitation upon the time it would be possible to go back.

Mr. DANIEL. Yes. With some exceptions, most of our criminal statutes have limitation periods of from 2 to 4 years.

Mr. MAGNUSON. Three is the average.

Mr. DANIEL. I had in mind that 3 years would probably be the average.

Also, it seemed to me that it might be a good compromise between what was advocated by the Senator from Minnesota [Mr. HUMPHREY] and the Senator from Maryland [Mr. BUTLER]. I am sure there will be several words and phrases and several provisions in this bill that will not meet with unanimous approval but that is what I had in mind in making the period 3 years instead of 5.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. MANSFIELD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator yield, and if so, to whom?

Mr. DANIEL. I yield to the Senator from Minnesota for a question.

Mr. HUMPHREY. Does the Senator realize that the Senator from Michigan [Mr. FERGUSON] has an amendment lying on the table which would strike out the phrase "within 5 years"? I say that the figure 3 is a fair compromise, and reasonable, in terms of legal precedent.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. DANIEL. I yield to the Senator from Kentucky for a question.

Mr. COOPER. Mr. President, I recognize the great legal ability of the Senator from Texas.

Mr. DANIEL. I did not yield for that purpose.

Mr. COOPER. I am sure the Senate recognizes his ability and, if he will permit me, I should like to ask him a few questions. I do not wish to take up his time, but I should like to ask some questions.

Mr. DANIEL. If I may, I should like to complete the explanation of the changes I have made in the Butler proposal, and then I shall yield for questions.

Mrs. SMITH of Maine. Mr. President, will the Senator yield for an observation?

Mr. DANIEL. I yield for an observation.

Mrs. SMITH of Maine. I do not intend to oppose any agreement that is

made between the distinguished Senator from Maryland [Mr. BUTLER] and the distinguished Senator from Texas [Mr. DANIEL], but I do want to say that I am for outlawing the Communist Party. In fact, I introduced the first bill in the history of the United States Senate to outlaw the Communist Party. It was Senate bill 200.

Mr. President, I do not believe it is proper to legislate on this matter by way of an amendment. I believe a proposal to outlaw the Communist Party should be the subject of a separate bill instead of an amendment to the pending bill.

I say this in spite of the manner in which the Attorney General stalled for more than a year before taking a position on my bill, S. 200, and thus bottling it up in committee. I say this in spite of the fact that he now opposes my bill, S. 200, to outlaw the Communist Party.

I serve notice on the Senate now that next year I shall renew my fight to outlaw the Communist Party, and I invite all Members of the Senate to join me next year in cosponsoring my bill to outlaw the Communist Party, and overcome the stalling tactics which have been used to bottle up my bill.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. DANIEL. Mr. President, I prefer to complete the explanation of the changes that I propose to the Butler bill, because I have only a few.

Mr. HUMPHREY. Mr. President, will the Senator permit me to make an observation with reference to the comment by the Senator from Maine [Mrs. SMITH]?

Mr. DANIEL. I yield once more to the Senator from Minnesota.

Mr. HUMPHREY. I merely wish to say that the Senator from Maine is indeed worthy of the fullest commendation and praise of the Senate, and I regret that I was not able to get in touch with her before I offered my amendment. I do not know what her wishes are, but of all the Members of the Senate who deserve the opportunity to be associated with this movement and to lead in the fight, it is the Senator from Maine. If she would like to join with me as a cosponsor, along with others, I should be singularly honored.

Mrs. SMITH of Maine. Mr. President, will the Senator from Texas yield?

Mr. DANIEL. I yield.

Mrs. SMITH of Maine. I have only one wish, and that is that we outlaw the Communist Party, but I want to do it in the proper manner, by a separate bill and not by an amendment.

I thank the Senator very much.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. DANIEL. Mr. President, does the Senator from Maryland desire to ask a question or make some comment?

Mr. BUTLER. I thought the Senator from Texas would offer some amendments to the pending measure.

Mr. DANIEL. Yes, I shall.

Mr. CASE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from South Dakota.

Mr. DANIEL. I wish to complete the explanation of my proposed changes, and then I shall yield.

The other change I propose is on page 5, line 17, of S. 3706. The wording now in line 17 is:

> In determining whether any organization is a Communist-infiltrated organization, the Board shall take into consideration—
> (1) the extent to which—

Certain things are found to exist. There are seven different items which the Board would be authorized to take into consideration.

Mr. President, the change I would make at that point would be this: In line 18, instead of the words "the Board shall take into consideration" I would substitute the words "the Board shall be required to determine", and then the first word in each subparagraph would be "whether" in place of the words "the extent to which."

With this amendment, the paragraph would read as follows:

> In determining whether any organization is a Communist-infiltrated organization, the Board shall be required to determine—
> (1) whether the effective management of the affairs of such organization is conducted by one or more individuals who are, or within 3 years have been, (A) members, agents, or representatives of any Communist organization—

And so forth. In each other subparagraph the word "whether" would be substituted in place of the words "the extent to which."

Mr. President, as I have said, the changes I have outlined so far are these: The period of years which would be taken into consideration in connection with past activities would be changed to 3 years instead of 5 years. Second, there is the change which I have just outlined as to the procedure of the Board; third, the Ives amendment has been incorporated in the proposal that I shall offer; and fourth, a severability clause has been incorporated.

There is one further change, on page 8, line 12. Let me explain this change in general terms first.

The bill provides that after "a final order of the Board determining that any such labor organization is a Communist-infiltrated organization, such labor organization shall be ineligible to"—and we find several things named there. It would be restricted, and denied certain benefits under the National Labor Relations Act.

Mr. President, if we are to adopt the provision as to Communist-infiltrated organizations, we certainly ought to make the same restrictions and denials applicable to any organizations found to be Communist-action or Communist-front organizations. We have had some experience in this field.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. DANIEL. I yield.

Mr. BUTLER. Is the Senator now suggesting an additional amendment to the Internal Security Act with respect to Communist-action and Communist-front organizations?

Mr. DANIEL. Yes. All this would be an amendment, in addition to what is proposed by the Senator from Maryland [Mr. BUTLER].

Mr. BUTLER. Mr. President——

Mr. CASE. Mr. President, will the Senator yield?

Mr. DANIEL. I yield first to the Senator from Maryland.

Mr. BUTLER. I should like to clear up one point. Does the Senator's amendment go to line 18 on page 5?

Mr. DANIEL. No. The amendment would go to line 12 on page 8. We now have these words, beginning with line 11:

> When there is in effect a final order of the Board determining that any such labor organization is a Communist-infiltrated organization, such labor organization shall be ineligible to—

Do certain things which follow.

Just before "Communist-infiltrated organization" I would add these words: "Communist-action organization, Communist-front organization, or Communist-infiltrated organization."

In other words, whatever penalties are applied to an organization found to be Communist-infiltrated certainly ought to be applied to an organization found to be a Communist-front organization or a Communist-action organization.

There are numerous instances of the practicability of what I now propose. An organization was operating in the State of Texas which had been found to be either a Communist-dominated organization or a Communist-action organization. However, the National Labor Relations Board said it still must treat that organization and its officers as it must treat other organizations. It said it must give that organization the same rights and privileges as are given to other labor organizations. Therefore what I would do in this respect is merely to add Communist-action organizations to the provision prescribing penalties with respect to the National Labor Relations Board, the same restrictions which the Senator from Maryland would apply to Communist-infiltrated organizations.

Mr. BUTLER, Mr. HUMPHREY, and other Senators addressed the Chair.

Mr. DANIEL. I yield further to the Senator from Maryland so that he may clearly understand the purpose of my amendment.

Mr. BUTLER. I understand what the Senator is trying to accomplish, but I did not know there was any Communist-action organization or Communist-front organization which represented employees as a bargaining agent and which would ask for a hearing before the NLRB.

Mr. DANIEL. There is one such organization in existence. There was such case before the National Labor Relations Board, and we received the reply which I outlined. I am sure the Senator agrees with me that if any labor organization is found by the Board to be a Communist-action organization or a Communist-front organization it should be ineligible for the privileges and rights which are enjoyed by other labor organizations.

Mr. BUTLER. I agree. I am surprised to hear that there is such an organization. If there is such an organ-

ization, I shall be very glad to accept the amendment.

Mr. DANIEL. Those are my changes.

Mr. BUTLER. Will the Seantor recite them, so that I can say what I will do about them?

Mr. HUMPHREY. Mr. President, who is accepting what?

Mr. DANIEL. I have not asked anyone to accept anything. I am about to send my amendment to the desk and formally offer it.

Mr. HUMPHREY. The Senate is now considering the Humphrey substitute, not the Butler bill.

Mr. CASE rose.

Mr. DANIEL. I am offering an amendment to the Humphrey substitute, so that some of us who wish to vote on the Humphrey substitute to outlaw the Communist Party, but who also wish to vote for the provisions relating to Communist infiltrated organizations in the Butler bill, may have the opportunity to do both.

Mr. MANSFIELD. Mr. President, will the Senator yield for a comment?

Mr. DANIEL. I yield first to the Senator from South Dakota. He has been on his feet for some time.

Mr. CASE. First, the Senator from South Dakota asks the Senator from Texas where the amendment he proposes would fit into the bill or substitute.

Mr. DANIEL. I did not quite hear the last part of the Senator's statement.

Mr. CASE. Is the amendment the Senator from Texas is offering, an amendment to the Humphrey amendment or to the bill?

Mr. DANIEL. The amendment which I am sending to the desk is an amendment to the Humphrey substitute, and it would be added at the end of the Humphrey substitute.

Mr. CASE. What I do not quite understand is whether the language requiring the Board to make a determination as to whether or not certain things are true is to be an amendment to the Subversive Activities Control Act of 1950.

Mr. DANIEL. It is a new section which is being added to the Subversive Activities Control Act of 1950. It is to be added as a new section.

The form proposed by the Senator from Maryland is exactly the same form that is now in the law. Some criticism has been made of that form. My amendment would meet that criticism by changing the procedure. Instead of providing that the Board shall take into consideration certain things, and the extent to which such things exist, I would change the form by providing that the Board shall determine whether certin things do exist or have existed.

Mr. CASE. When the Senator does that, he is prescribing a more rigid formula relating to membership in a Communist infiltrated organization than is provided with respect to membership in a Communist-action organization or in a Communist-front organization.

Mr. DANIEL. That may be true, but I do not think so.

Mr. CASE. The Senator from South Dakota served on the committee of the House which developed the language providing that the Board shall take into consideration the extent to which participation took place in a Communist-action organization or in a Communist-front organization. The reason we did it was that there were instances in which there was not a clear-cut pattern of complete participation in a front organization or in an action organization. Instances came to our attention in which a person's name was used on a letterhead, or in which a person was identified with a front organization, or with an action organization. After investigating some of those cases, the committee felt that the facts did not establish a sufficient case to warrant penalizing an individual. In many instances a person's name was used on a letterhead for the purpose of sponsoring a dinner, or something of that sort. It involved persons of very high repute, who had no general pattern of following the Communist line.

If we accept the language the Senator from Texas suggests, and apply that language to a Communist-front organization and make the whole act uniform, if it is determined that a person was identified in a single instance with such an organization, we bring down upon the head of such an individual the penalty of the entire act.

Let us take category 4 of the bill. It appears at page 6 of the bill and reads:

> (4) The extent to which such organization within 5 years has received from, or furnished to or for the use of, any such Communist organization, government, or movement any funds or other material assistance.

Reading that paragraph in connection with subsection (e) on page 5, the bill would provide that the Board shall take into consideration the extent to which a person has received funds from a Communist organization. If that language changed to provide that the Board shall determine whether a person has received even a $5 contribution from a front organization or from any other Communist organization, it would bring down on the head of such an individual all the penalties of the act.

Mr. DANIEL. Does the Senator from South Dakota see any difference between a provision relating to a $5 contribution to a Communist organization and the extent to which a person has made a contribution?

The language does not provide that if the Board finds some act or contribution, it is necessary to bring down on the individual the penalties of the act. The bill now reads:

> In determining whether any organization is a Communist-infiltrated organization, the Board shall take into consideration the "extent to which"—

And so forth. I would change that by requiring the Board to make a finding of whether $5, for example, was contributed. I do not see any great difference.

Mr. CASE. Does the Senator believe that a more rigid formula should be prescribed with respect to membership in Communist-infiltrated organizations than is prescribed with respect to membership in Communist-action organizations? Would not the Senator's amendment establish a more rigid formula with respect to membership in Communist-infiltrated organizations than with respect to Communist-action organizations?

Mr. DANIEL. The Senator from Texas does not believe so. Other Members of the Senate believe it would be more rigid. It is the feeling of some Senators that something should be added to provide that a person should be served with specifications and should know what he has been charged with before any penalty is assesed against him.

Some Members of the Senate feel that there should be a definite finding by the Board as to whether the individuals under consideration actually participated in Communist-front organizations, and so forth. Some believe there should be a definite finding with respect to Communist-infiltrated organizations even though this is not the case with respect to Communist-front organizations or Communist-action organizations.

I do not believe the difference in the wording is very great. We are merely referring to procedures. All I am doing is changing the wording in an effort to compromise the differences between Senators who have a definite feeling one way or the other.

If the Senator from South Dakota is willing, I shall discuss the question with him briefly as soon as I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Texas.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that my colleague may, without losing his rights to the floor, yield to the Senator from Montana [Mr. MANSFIELD] not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I wish to address myself to the substitute offered by the Senator from Minnesota [Mr. HUMPHREY] and other Senators, to wit, a bill to outlaw the Communist Party. Of course, the Senator from Maine [Mrs. SMITH] has been a leader in the introduction of bills to outlaw the Communist Party. Others have joined with her in the House and in the Senate. I think now is the time to face up to our responsibilities, because this is the first opportunity we have had in this body to face up to the question as to whether we want to outlaw the Communist Party. I think the time has arrived for all of us to stand up and be counted. I certainly hope that this afternoon we shall have an opportunity to vote on the question, because I, for one, wish to outlaw the Communist Party, because I think it is a party contrary to American principles and a party which does advocate the overthrow of the Government of the United States.

Outlawing the Communist Party would not be a violation of the fundamental right of people in the United States to organize and function through a political party as the Communist Party is not a legitimate political organization, any more than a group of doctors operating an illegal narcotics ring would constitute a legitimate medical enterprise. By its own declaration of aims and purposes, the Communist

Party is engaged in a criminal conspiracy and operation: The advocacy and projected overthrow of the American Government by force and violence.

The outlawing of the party will destroy its false appearance of respectability as a political party within the constitutional limitations. The passing of such legislation would be no different than when the Nazi Bund was outlawed here in the early forties.

One of the main arguments, if not the main one, given by FBI Chief J. Edgar Hoover in his testimony before congressional committees has been his assertion that to outlaw the Communist Party would drive it underground. In new testimony before the House Appropriations Committee, this year, Mr. Hoover states:

> The investigative burden in covering the Communist underground has been increased tremendously as is shown by the fact that where 1 agent was formerly needed for proper coverage, we now require as many as 9 or 10 by reason of their greater security consciousness in carrying out their conspiratorial activities.

He further states in the same testimony:

> Today there are two types of Communist Party leadership: Open leadership comprised of people like William Z. Foster and a select group of others; and an underground leadership, which actually has been assuming more and more authority and control to administer the entire party in the event it is no longer feasible to continue in the open.

These statements indicate to me that the Communist Party has gone underground; therefore, the chief objection made by Mr. Hoover prior to this year is no longer valid. As to the extent of the conspiracy, it might be well for us to note further testimony given by the Director of the FBI in which he says:

> Through the perfection of the underground apparatus, the party aims to preserve intact a hard core of militant Communists to carry out the aims and objectives of the international Communist movement under all forms of adversity.
>
> The security measures which the Communist Party have taken in order to thwart the efforts of the FBI have been many and detailed in character. No longer are Communist Party membership cards issued; maintenance of membership records are forbidden; contacts of rank-and-file members are limited to from 3 to 5—the basic club unit. Most of the local headquarters have been discontinued, and party records have been destroyed. No evening meetings are permitted in hearquarters without staff members present. Conventions and large meetings are held to the absolute minimum. The use of the telephone and telegraph is avoided.
>
> No contact is had with families or friends; contacts between functionaries are arranged through frequently changed intermediaries; false drivers' licenses have been obtained; assumed names have been adopted; modification of physical appearance has been effected, such as dyeing hair and eyebrows, as was done by a member of the national committee who was apprehended by agents of the FBI in a hideout in the high Sierras in California last August.
>
> They have removed conspicuous means of personal identification, such as moles; they have affected a new manner of walking, have changed their dress standards, have avoided old habits, and even have avoided old vices, and have avoided appearance in public places where their recognition would be probable.
>
> They communicate through couriers and avoid the use of written communications. They have instituted loyalty tests for all prospective underground personnel. They rotate the underground personnel to avoid detection. The underground staff is usually recruited from trusted Communist Party members, having at least 10 or 12 years' experience.

The PRESIDING OFFICER. The time of the Senator from Montana has expired.

Mr. KNOWLAND. Mr. President, I ask unanimous consent that the Senator from Montana may have his time extended another 5 minutes.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. MANSFIELD. I thank the distinguished majority leader.

Mr. President, again quoting from Mr. Hoover:

> They appear outside of hideouts only at night. They use different automobiles, and the cars frequently are registered in fictitious names and not names of party members; the license plates are frequently changed.
>
> They have used extreme precautions in regard to surveillance, making rapid and frequent changes of conveyances, entering and leaving subways and buses just before the door close, and doubling back on their course.
>
> I cite these various security measures not only because they are of interest to the committee but to show the stealth of the American Communists. It again shows the increased difficulty with which we are faced in trying to handle these investigations.

A group such as the Communists which is the servant of a foreign power and places the interests of a foreign power above those of our own country should be outlawed in the United States. Such a law would not outlaw ideas, it would not outlaw thoughts, it would make illegal organized conspiracy against this Nation.

The outlawing of the subversive groups is in line with the recommendations made by President Eisenhower in his state of the Union message. He said that any American convicted of conspiring to overthrow the Government by force and violence should be stripped of his citizenship.

Mr. President, the question has been raised regarding the constitutionality of action such as that proposed by the distinguished Senator from Minnesota [Mr. HUMPHREY]. It is my opinion that, so far as the constitutionality of any law is concerned, it is a question for the Supreme Court of the United States to decide. I sincerely hope, Mr. President, that the Members of this body this afternoon will face up to their responsibility, and will stand up and be counted on this issue of outlawing the Communist Party in the United States.

The PRESIDING OFFICER. The Senator from Texas [Mr. DANIEL] has the floor. He yielded to the Senator from Montana [Mr. MANSFIELD] under a unanimous-consent agreement.

Mr. DANIEL. Mr. President——

Mr. SMATHERS. Mr. President, I should like to ask the Senator from Texas to yield to me for 10 minutes.

Mr. DANIEL. I promised to yield to the Senator from Kentucky [Mr. COOPER] for a question.

The PRESIDING OFFICER. The Senator from Texas yields to the Senator from Kentucky for a question.

Mr. COOPER. Mr. President, I have several questions.

Mr. DANIEL. I have not had any lunch yet. Let me see how the questions run.

Mr. COOPER. Mr. President, I happened to be in the chair when the speech of the distinguished Senator from Minnesota was made. I heard his speech, and I have listened carefully to the speeches that have been made on the pending bill. As I have listened, several legal questions which the bill presents have addressed themselves to me.

I should like to say that I am not too greatly moved by the argument of "stand up and be counted." The statement implies that there are some Senators in the Chamber who are not interested in seeing the Communist Party outlawed or made ineffective. I do not think that is true.

I think we have a right to ask if the Humphrey substitute is what it is claimed to be, and if it would be really effective. First, I have heard the statement made several times in the debate that the Humphrey amendment would outlaw the Communist Party. I wish to ask the Senator from Texas about that, because I know of the Senator's legal ability.

The first section of the Humphrey substitute, which is section 2, is a long pronouncement of the purposes of the Communist Party, as to which I think all of us agree.

Section 3 provides a penalty for membership in the Communist Party. As I understand, up until the present time the penalty has been based on overt acts. I ask the distinguished Senator from Texas if he would interpret section 3 strictly to mean one who is a recorded member of the Communist Party?

Mr. DANIEL. I have not studied the section with that in mind. However, I understand the main question the Senator has in mind, I believe, because I attempted to draft a similar bill for the Texas State Legislature while serving as attorney general.

Mr. COOPER. I understand the Senator's fine attitude on the question. I desire to ask the Senator a question concerning section 3 of the Humphrey substitute which would impose a criminal penalty upon anyone who could be proved to be a member of the Communist Party.

Undoubtedly there are many people in the Communist movement, who are not recorded members of the party. The substantial test of their allegiance is the type of activity which the person is carrying on. Does the Senator believe that section 3, which is the only effective section of the substitute, would outlaw the Communist Party?

Mr. DANIEL. I should say that that certainly is the intention, and it probably would outlaw the Communist Party by making membership an offense.

I, once, drawing a similar bill for the Texas Legislature, did not word it in exactly the form of the Humphrey substitute. The bill was drawn so as not to name any particular party or organi-

zation. It simply referred to any organization which was shown to be in a conspiracy to overthrow, or which advocated the overthrow of the Government of the United States by force. The Communist Party was not mentioned by name, but, of course, it clearly came within the definition.

Based upon the findings of the courts and administrative agencies that the Communist Party of the United States is engaged in a conspiracy to overthrow the American Government by force, I believe Congress could constitutionally define membership in that conspiracy to be an offense punishable under the laws of the United States. The overt act is joining or remaining a member of a conspiracy against our Government.

Mr. COOPER. I do not disagree with the statement that the Congress could constitutionally act. I doubt the effectness of the Humphrey substitute. I am trying to ascertain the effect of the Humphrey substitute. How does the Senator compare section 3 of the Humphrey substitute, which is the only effective section of the amendment, with the Smith Act, which imposes a penalty for conspiring to carry out the purpose or objectives of the Communist Party? What is the distinction, if any, between the nature of the penalty imposed by section 3 of the Humphrey amendment and that imposed by the Smith Act?

Mr. DANIEL. I do not believe there is any difference in the penalties.

Mr. COOPER. Would I be correct if I say that nothing of substance is added by the substitute to the Smith Act, except for the declaration of pronouncement in the preamble?

Mr. DANIEL. I disagree with the Senator from Kentucky on that point. Under the substitute, if it is adopted, all that will have to be shown to a jury, in order to support a conviction, is the evidence that the individual charged is a member of the Communist Party, because the law would provide that that organization, by name, is one which is involved in a conspiracy to overthrow the Government.

Mr. COOPER. Section 3 of the Humphrey substitute provides that a member of the Communist Party, with knowledge of the purpose or objective of such organization shall upon conviction be punished.

Does not the Senator consider that the language differs from the requirements of the Smith Act?

Mr. DANIEL. I do not know. I have not compared the two on that point.

I believe that knowledge would certainly have to be shown. It will be noted that in three places in the amendment which I intend to offer I have added the word "knowingly," so that the court will not have to assume that the word was implied as I believe was done in one case.

Mr. COOPER. I question the claims made for the Humphrey substitute, which, it seems to me, either duplicates many other acts on the statute books today or launches out into a field of doubtful constitutionality.

I compare section 3 of the substitute with section 4 (a) of the Subversive Activities Control Act, which provides as follows:

> It shall be unlawful for any person knowingly to combine, conspire, or agree with any other person to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship, as defined in paragraph (15) of section 3 of this title, the direction and control of which is to be vested in, or exercised by or under the domination or control of, any foreign government, foreign organization, or foreign individual.

I doubt that section 3 requires a substantial or any contribution to conspiracy. Even if it is possible to take into account the long declaration of the Humphrey substitute, and then the requirement, imposed in section 3, by the words "with knowledge of the purpose or objective of such organization," does not the Senator from Texas say that the Humphrey substitute is a substantial departure from section 4 (a) of the Subversive Activities Control Act?

Mr. DANIEL. There is the difference which I outlined a moment ago. If the amendment in the nature of a substitute were to be held constitutional, it would make the handling of such cases easier for the prosecuting authorities. If the Senator from Kentucky has ever had the job of trying to prove in court that the Communist Party of the United States is engaged in an attempt to overthrow the Government of the United States by force, he knows that the prosecuting officers have quite a task on their hands.

Mr. COOPER. I know that it is a difficult task.

Mr. DANIEL. I have had that experience. I believe that the amendment in the nature of a substitute certainly would make it easier on the prosecuting authorities of the United States to establish a case. They can establish a case now if they are able to get the witnesses and go to the expense of bringing in the proof, as has been done many times and at great expense in our courts and administrative agencies. If Congress should now officially declare that the Communist Party of the United States is found to be a part of a conspiracy to overthrow the Government of the United States, it may be possible to avoid separate proof of the fact in each case. Evidence of membership alone will suffice, if this portion of the substitute is held to be constitutional.

Mr. COOPER. I respect the judgment of the Senator from Texas. I think the emphasis of the Subversive Activities Control Act is entirely different from that of the Humphrey substitute. This proposal would simply make membership in the Communist Party an offense. Subversive Activities Control Act provides a procedure for registration of members of Communist organizations; when they have been registered, they cannot hold office or employment in the Government, and they cannot engage in certain defense activities. Registration prevents their employment or their activity in certain areas of the Government.

Would the Senator say that if the amendment in the nature of a substitute were adopted denouncing as a crime membership in the Communist Party, such members then could not be required to register as they could undoubtedly claim the fifth amendment? Would section 3 thus have the effect of nullifying the Subversive Control Act?

Mr. DANIEL. I think they could still be required to register. However, I am not certain, because I have not studied that question sufficiently.

The Senator from Kentucky was very complimentary to the junior Senator from Texas when he said he thought the Senator from Texas was judicious. I shall try to be judicious on this question by asking time to study it before expressing a definite opinion.

Mr. COOPER. I shall not ask any further questions.

Mr. DANIEL. I should like to study the last question, and answer it when I return, so that I may attempt to answer that question, as well as any further questions which the Senator may wish to ask.

The distinguished junior Senator from Florida [Mr. SMATHERS] has been waiting patiently for some time. He would like to have the floor for about 10 minutes, under a unanimous-consent request, without my losing the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. COOPER. Mr. President, will the Senator permit me to make one statement?

Mr. SMATHERS. I shall be glad to yield for a short observation. I have only 10 minutes.

Mr. COOPER. I questioned the Senator from Texas [Mr. DANIEL] because of my great respect for his legal ability and judicial attitude. I wish to make clear that what I have said was not directed against the purposes of the substitute as stated by the junior Senator from Minnesota. I wanted to express my conviction that, despite the claims that are made for it, I do not think the substitute would abolish the Communist Party. In my judgment section 4 (a) of the Subversive Activities Control Act and the Smith Conspiracy Act cover substantially the purposes of section 3, which is the only effective section of the Humphrey substitute. I also feel that the passage of the substitute might make more difficult the enforcement of anti-Communist statutes, rather than helping in their enforcement. I do not think the substitute would do what is claimed for it. I shall present my views at more length later in the debate.

Mr. SMATHERS. Mr. President, first I should like to say that I am very pleased and happy to join with the very able Senator from Minnesota [Mr. HUMPHREY] in the sponsorship of the amendment in the nature of a substitute—the purpose of which is to outlaw the Communist Party. I might say that long ago I wrote a letter to the very able senior Senator from Maine [Mrs. SMITH], and asked if I might be permitted to join with her in the sponsorship of a bill to accomplish a similar purpose known as S. 200. I did that after serious thought on my own part in trying to determine the best means to most

effectively combat the Communist threat.

Like my colleagues, I had pondered on this problem for many years. I had listened to various recommendations. I had read the recommendations of the administration and others. Finally it became unmistakably clear to me that there was only one really effective way to get rid of the Communist threat to the United States Government, and that was to introduce and enact legislation which would outlaw the Communist Party. It was for this reason that I wrote to the senior Senator from Maine and asked her if I could at that time join with her in the sponsorship of what I believed and still believe to be a good piece of proposed legislation.

I do not think the proposal to outlaw the Communist Party should be stopped merely because of a question of procedure. I think what we are trying to do is to accomplish a certain result, that of outlawing the Communist Party. If we can do it by the pending proposed legislation, whether it comes under the sponsorship of certain Senators on this side of the aisle or the other side of the aisle, does not make too much difference to the junior Senator from Florida, and I do not believe it should make too much difference to any Senator who thinks that the right answer to the problem of communism is outlawing the Communist Party. The question of whether the bill has been in committee, or whether it has my name, or the name of the Senator from Minnesota, or some other Senator's name seems to me to be unimportant. What we are trying to accomplish is the outlawing of the Communist Party. We now have an opportunity to vote on a substitute amendment which would do just that, as the Senator from Montana has pointed out.

Another point I should like to make is that I do not believe we should become bogged down with a lot of technicalities as to whether an organization is Communist controlled or indulging in Communist activities, or in what respect it is engaging in communism. I cannot help but believe that if the Communist Party per se is outlawed, and membership therein is made a crime, then we are not going to have to worry about such collateral questions. If the law is enforced, which, of course, we have a right to expect it will be, then there will not be unions which will be Communist controlled or Communist led, because the Communist influence will be destroyed in its essence, and before it can operate.

Therefore it seems to me that we waste much time in the Senate when we talk about whether we like the Daniel amendment, the Butler amendment, the amended Butler bill, or whatever else it might be. Let us get to the root of the matter. The root of the problem is that we have Communists who do not believe as we do, who are out to destroy our way of government, and who infiltrate, not only labor unions, but other organizations and direct them and their membership against American democratic institutions.

From the debate which has taken place so far, one could presume that the only organizations which have Communists are labor unions. Obviously that is not the case. We have them in the teaching profession, in government, in the military service; in political parties; we find them in every activity of our lives. So why do we not get at the real problem, and cover the whole field, and not limit it to just labor organizations? Why do we not do this right and say, "Let us outlaw the Communist Party and membership in the Communist Party"? In that way I think we can most effectively combat communism in this country.

To talk about needing laws to stop a union's doing this or that, because it might be Communist—helpful to Communists—seems to me to be just like saying that we have an orange tree, and that the meat of the oranges on that tree is deadly poisonous. If these oranges are actually deadly, it obviously results because the trunk of the tree or the roots of the tree are infected. Now, you wouldn't just knock those oranges off the tree and leave the trunk and limbs to breed a new crop of poison fruit. The thing to do is destroy the trunk, the roots, and the tree itself. That is the manner in which we should approach the problem before us today.

As the Senator from Oregon [Mr. MORSE] has said, I think we should stop hitting around on the fringes of the problem, stop tiptoeing back and forth, and instead recognize the problem and know the problem for what it is, and meet it directly head on.

We live under a government of law. Duly enacted laws govern our lives. A man's rights, or privileges, are not taken from him without due legal action. However, today we condemn persons with Communist leanings or beliefs. We have been throwing them out of the teaching profession. We even make it difficult for Communists to work in ordinary industry. We are surely driving them out of all social, professional, and industrial life, and yet while we so proscribe these people there is no hard and fast law that says it is wrong or illegal to be a Communist or that a Communist cannot work in these fields of endeavor. So today without benefit of law, we pick at them, hold them up to bad publicity and ridicule, punish and persecute them, and finally we throw them out; but not by benefit of law. Mr. President, to conduct ourselves this way—without benefit of law—is to practice the grossest type of discrimination. We are discriminating against them for their thoughts and acts, when under present law, what they think and do is completely legal. If we are going to be a government of law, why do we not meet the problem head on and say, "We do not like communism; we fear it; it is opposite to what we believe in; therefore, anybody who believes in it, advocates it, or who belongs to a political party which itself advocates or believes in communism, is guilty of a crime against the United States"? If we take this step then we will have a legal basis on which we can proscribe them in our society. The way to face this issue, Mr. President, is to meet the problem head on.

Mr. WELKER. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield to the Senator from Idaho.

Mr. WELKER. Will the Senator advise me how many Communists we would be able to catch and convict by outlawing the Communist Party? I have served on the Internal Security Subcommittee for more than a year. I have learned that it is very difficult to make persons who belong to the party admit their membership in it, or to establish proof that they are open or undercover members of the Communist Party. I should like the Senator from Florida to advise me what effect outlawing the Communist Party would have on the Communists within our land.

Mr. SMATHERS. I am sure the Senator would agree with me it would not be any harder if we provided that membership in the Communist Party was illegal. It is true that such members might go underground. I presume that many of them would go underground. In fact, I believe most of them are underground now. I do not know of a narcotic peddler who has gone down the street and said, "I am a narcotic peddler." Nevertheless, we have a law against narcotic peddling. Why? Because peddling narcotics is dangerous. It is dangerous to our society. We do not say to such persons, "We are going to try to convince you it is unwise or unhealthy to take dope and sell it." We say it is dangerous, and we enacted a law to curb the illegal use of narcotics. Any person who violates this law is thereafter subject to prosecution. I submit to the Senator from Idaho that, under the authority of law, we can also do the same thing so far as Communists are concerned. We touch on the question here, or we have a little law about it there; but we do not meet it head-on.

Mr. WELKER. Mr. President, will the Senator from Florida yield to me?

Mr. SMATHERS. I yield.

Mr. WELKER. I am sure my colleague from Florida is advised that under present Communist Party discipline the practice is not to issue membership cards.

Mr. SMATHERS. That may be true; I have no particular knowledge of issuance of membership cards by the Communist Party.

Mr. WELKER. Whenever the Communists know we do not have positive proof that they are Communists, they will swear under oath that they are not now, and never have been, members of the Communist Party.

Mr. SMATHERS. I can agree with the distinguished Senator from Idaho. He has been an able prosecutor, and I am sure he will agree that before he could prosecute anyone, it was necessary for him to have a law authorizing such a prosecution. But today, since it is not illegal for a person to be a member of the Communist Party, or to advocate the overthrow of our Government, it is not possible to prosecute members of the Communist Party, unless we find them in some incidental or collateral activity which we have outlawed.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mrs. SMITH of Maine. Mr. President, will the Senator from Florida yield to me?

The PRESIDING OFFICER. The Senator from Texas [Mr. DANIEL] has the floor.

Mr. SMATHERS. Mr. President, I ask unanimous consent that the Senator from Texas may yield further time to me, so that I may yield to the Senator from Maine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DANIEL. I yield 10 minutes more to the Senator from Florida.

Mr. SMATHERS. Now, Mr. President, I am glad to yield to the distinguished Senator from Maine.

Mrs. SMITH of Maine. Mr. President, I ask unanimous consent that the Senator from Florida may yield to me, so that I may ask a question of the chairman of the Internal Security Subcommittee.

Mr. SMATHERS. I shall be happy to yield for that purpose, if the Senator from Maine can limit her question to 2 minutes.

Mrs. SMITH of Maine. My question will be brief.

Mr. SMATHERS. I yield.

The PRESIDING OFFICER. Without objection, the Senator from Maine is recognized for 2 minutes.

Mrs. SMITH of Maine. Mr. President, I should like to ask the distinguished junior Senator from Indiana [Mr. JENNER], the chairman of the Internal Security Subcommittee, whether he can give the Senate any assurance concerning action by his committee on the bill which proposes to outlaw the Communist Party, and in regard to obtaining a vote on that bill.

Mr. JENNER. Mr. President, as the Senator from Maine knows, her bill is pending before our committee.

I think the procedure being followed today is a very poor way to legislate on this very important matter. I think this matter should be gone into thoroughly, and hearings should be held on it, at the beginning of next session.

In further answer to the question of the Senator from Maine, let me say that to outlaw the Communist Party will not mean a thing, because experience under the Taft-Hartley Act gives us a clear example of how the Communists will operate in connection with the signing of affidavits. We have different cases of known Communists who have signed anti-Communist affidavits. When they are asked to sign, they say, "Certainly, I will gladly sign an affidavit under the Taft-Hartley Act." All they do in that case is make a tactical withdrawal from the Communist Party, for the purpose of being able to sign the affidavit.

In the committee we have had the experience of having a Communist come through the door of the committee room, and we have asked him, "Were you a Communist 5 minutes ago?"

His answer invariably was, "I refuse to answer, under the fifth amendment of the Constitution."

Then we ask him, "Were you a Communist when you walked through the door to the committee room?"

Invariably his answer was, "I refuse to answer, under the fifth amendment of the Constitution."

Then if we ask him, "Are you a Communist now?" his answer will be, "No, I am not a Communist now"—in other words, not for the purpose of taking the anti-Communist oath. So there is no such thing as Communist membership anymore; and if this bill is passed in its present form, it will be impossible to convict anyone, for there will not be any Communists.

However, the overt acts of a person prove what he is. The overt acts of Communists prove what they are. We know them by their acts.

Let me say that I think the bill introduced by the Senator from Maine should have a complete hearing, because the public does not understand the situation. Many persons think that if the Communist Party is outlawed, all those problems will be solved. But we know that the courts have ruled, in connection with the affidavit under the Taft-Hartley Act, that the burden of proof is on the Government, to prove that at the time when the affidavit was signed, the person was a Communist at that particular moment. It is impossible to prove that; it is impossible to prove what is in a person's mind or heart.

But it is possible to prove, by his overt acts, that a person is attempting to overthrow the Government of the United States by force or violence; and that his acts constitute a part of a world-wide conspiracy.

So let us not be sidetracked by something that reads well—something which states that by outlawing the Communist Party, we shall solve these problems.

Mr. SMATHERS. Mr. President, I have been happy to yield to the Senator from Maine, who has sponsored the bill to outlaw the Communist Party, and I am happy to agree with her.

I appreciate what the very able senior Senator from Maine [Mrs. SMITH] has done in attempting to outlaw the Communist Party. I have regretted, as I know she has, that some of the leadership on her side of the aisle has not seen fit to have that bill brought up at this time. I believe it should have been considered and adopted.

As I have said earlier, I believe that if what we are after is to outlaw the Communist Party, we now have the best opportunity to do that that we will have for some time to come. Senators who believe that this is the effective way to fight the Communist Party can express their belief now by voting for the amendment of the Senator from Minnesota.

Of course the Senator from Indiana, chairman of the Internal Security Subcommittee, has had more experience combating communism than I have. However, I cannot understand, for the life of me, how we can continue to talk about Communist activities as being illegal and about how we are attempting to check those activities, yet still refuse to hit at the core of the Communist Party itself, by declaring it and membership in it to be illegal.

It seems to me that if we follow the suggestion of the Senator from Maine [Mrs. SMITH] and the Senator from Minnesota [Mr. HUMPHREY] and outlaw the Communist Party in the first instance, it will be easier for us to fight the Communist Party and its activities wherever it may be found in the future.

A moment ago I heard the Senator from Maryland [Mr. BUTLER] say he had some doubt about the constitutionality of the amendment of the Senator from Minnesota.

Let me point out that from 1919 up to 1924, I believe, the Communist conspiracy was outlawed in this country by wartime legislation and no one questioned the constitutionality of that measure. There are from 13 to 15 States of the Union which today have statutes outlawing or prohibiting the Communists from functioning as a political party, and no court has yet held those laws to be unconstitutional.

As a matter of fact, Mr. President, they must be constitutional if they help the American people defend themselves. Surely our laws do not make it impossible to stop crime. We have laws against murder, narcotics traffic, and other crimes. Similarly, the American people clearly have a right to legally defend themselves against a conspiracy which seeks to overthrow us and defeat us here at home.

So, Mr. President, after this debate is over, I hope the Members of the Senate who do not like communism and who think the best way to fight communism is to face the issue head on and destroy it, will proceed to do just that.

In the meantime, let us proceed in the way suggested by the Senator from Minnesota [Mr. HUMPHREY] so as to go on record and say clearly and without the slightest doubt that we do not like the Communist Party and its principles. Let us, here today, strike a devastating blow against this ungodly menace. This is our chance to do so. Let us not fail in this hour of concern and opportunity to all of us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas [Mr. DANIEL] now has the floor, having yielded it under a unanimous-consent agreement.

Mr. DANIEL. Mr. President, I send to the desk the amendment I have already explained, and ask that it be printed in the RECORD, but not read. I shall be glad to answer any other questions about it which Senators may care to ask. I may say that the amendment is offered by me for myself and on behalf of the Senator from Kentucky [Mr. CLEMENTS], the Senator from Iowa [Mr. GILLETTE], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from New Mexico [Mr. ANDERSON], and the Senator from Illinois [Mr. DOUGLAS].

The PRESIDING OFFICER. Without objection, the amendment will not be read, but will be printed in the RECORD.

The amendment submitted by Mr. DANIEL is as follows:

That this act may be cited as the "Subversive Activities Control Act Amendments of 1954."

SEC. 5. Communist-infiltrated organizations. (a) Section 3 of the Subversive Activities Control Act of 1950 (50 U. S. C. 782) is amended by inserting, immediately after

paragraph (4) thereof, the following new paragraph:

"(4A) The term 'Communist-infiltrated organization' means any organization in the United States (other than a Communist-action organization or a Communist-front organization) which (A) is substantially directed, dominated, or controlled by an individual or individuals who are, or who within 3 years have been actively engaged in, knowingly giving aid or support to a Communist-action organization, a Communist foreign government, or the world Communist movement referred to in section 2 of this title, and (B) is knowingly serving, or within 3 years has knowingly served, as a means for (i) the giving of aid or support to any such organization, government, or movement, or (ii) the impairment of the military strength of the United States or its industrial capacity to furnish logistical or other material support required by its Armed Forces: *Provided, however,* That any labor organization which is an affiliate in good standing of a national federation or other labor organization whose policies and activities have been directed to opposing Communist organizations, any Communist foreign government, or the world Communist movement, shall be presumed prima facie not to be a 'Communist-infiltrated organization.'"

(b) Paragraph (5) of such section is amended to read as follows:

"(5) The term 'Communist organization' means any Communist-action organization, Communist-front organization, or Communist-infiltrated organization."

(c) Subsections 5 (c) and 6 (c) of such act are repealed.

SEC. 6. (a) Section 10 of such act (50 U. S. C. 789) is amended by inserting, immediately after the words "final order of the Board requiring it to register under section 7", the words "or determining that it is a Communist-infiltrated organization."

(b) Subsections (a) and (b) of section 11 of such act (50 U. S. C. 790) are amended by inserting immediately preceding the period at the end of each such subsection, the following: "or determining that it is a Communist-infiltrated organization."

SEC. 7. (a) Subsection 12 (e) of such act (50 U. S. C. 791) is amended by—

(1) striking out the period at the end thereof and inserting in lieu thereof a semicolon and the word "and"; and

(2) inserting at the end thereof the following new paragraph:

"(3) upon any application made under subsection (a) or subsection (b) of section 13A of this title, to determine whether any organization is a Communist-infiltrated organization."

(b) The section caption to section 13 of such act (50 U. S. C. 792) is amended to read as follows: "Registration Proceedings Before the Board."

SEC. 8. Such act is amended by inserting, immediately after section 13 thereof, the following new section:

"PROCEEDINGS WITH RESPECT TO COMMUNIST-INFILTRATED ORGANIZATIONS

"SEC. 13A. (a) Whenever the Attorney General has reason to believe that any organization is a Communist-infiltrated organization, he may file with the Board and serve upon such organization a petition for a determination that such organization is a Communist-infiltrated organization. In any proceeding so instituted, two or more affiliated organizations may be named as joint respondents. Whenever any such petition is accompanied by a certificate of the Attorney General to the effect that the proceeding so instituted is one of exceptional public importance, such proceeding shall be set for hearing at the earliest possible time and all proceedings therein before the Board or any court shall be expedited to the greatest practicable extent.

"(b) Any organization which has been determined under this section to be a Communist-infiltrated organization may file with the Board and serve upon the Attorney General a petition for a determination that such organization no longer is a Communist-infiltrated organization. No such petition may be filed until 1 year has passed after the order determining such organization to be a Communist-infiltrated organization has become final. No organization may file petitions under this subsection oftener than once in each calendar year.

"(c) Each such petition shall be verified under oath, and shall contain a statement of the facts relied upon in support thereof. Upon the filing of any such petition, the Board shall serve upon each party to such proceeding a notice specifying the time and place for hearing upon such petition. No such hearing shall be conducted within 20 days after the service of such notice.

"(d) The provisions of subsections (c) and (d) of section 13 shall apply to hearings conducted under this section, except that upon the failure of any organization named as a party in any petition filed by or duly served upon it pursuant to this section to appear at any hearing upon such petition, the Board may conduct such hearing in the absence of such organization and may enter such order under this section as the Board shall determine to be warranted by evidence presented at such hearing.

"(e) In determining whether any organization is a Communist-infiltrated organization, the Board shall be required to determine—

"(1) whether the effective management of the affairs of such organization is conducted by one or more individuals who are, or within two years have been, (A) members, agents, or representatives of any Communist organization, any Communist foreign government, or the world Communist movement referred to in section 2 of this title, with knowledge of the nature and purpose thereof, or (B) engaged in giving aid or support to any such organization, government, or movement with knowledge of the nature and purpose thereof;

"(2) whether the policies of such organization are, or within 3 years have been, formulated and carried out pursuant to the direction or advice of any member, agent, or representative of any such organization, government, or movement;

"(3) whether the personnel and resources of such organization are, or within 3 years have been, used to further or promote the objectives of any such Communist organization, government, or movement;

"(4) whether such organization within 3 years has received from, or furnished to or for the use of, any such Communist organization, government, or movement any funds or other material assistance;

"(5) whether such organization is, or within 3 years has been, affiliated in any other way with any such Communist organization, government, or movement;

"(6) whether the affiliation of such organization, or of any individual or individuals who are members thereof or who manage its affairs, with any such Communist organization, Government, or movement is concealed from or is not disclosed to the membership of such organization; and

"(7) whether such organization or any of its members or managers are, or within 3 years have been, knowingly engaged—

"(A) in any conduct punishable under section 4 or 15 of the act or under chapter 37, 105, or 115 of title 18 of the United States Code; or

"(B) with intent to impair the military strength of the United States or its industrial capacity to furnish logistical or other support required by its Armed Forces, in any activity resulting in or contributing to any such impairment.

"(f) After hearing upon any petition filed under this section, the Board shall (1) make a report in writing in which it shall state its findings as to the facts and its conclusions with respect to the issues presented by such petition, (2) enter its order granting or denying the determination sought by such petition, and (3) serve upon each party to the proceeding a copy of such order. Any order granting any determination on the question whether any organization is a Communist-infiltrated organization shall become final as provided in section 14 (b) of this act.

"(g) When any order has been entered by the Board under this section with respect to any labor organization (as defined by section 2 of the National Labor Relations Act, as amended), the Board shall serve a true and correct copy of such order upon the National Labor Relations Board and shall publish in the Federal Register a statement of the substance of such order and its effective date.

"(h) When there is in effect a final order of the Board determining that any such labor organization is a Communist-action organization, a Communist-front organization, or Communist-infiltrated organization, such labor organization shall be ineligible to—

"(1) act as representative of any employee within the meaning or for the purposes of section 7 of the National Labor Relations Act, as amended (29 U. S. C. 157);

"(2) serve as an exclusive representative of employees of any bargaining unit under section 9 of such act, as amended (29 U. S. C. 159);

"(3) make, or obtain any hearing upon, any charge under section 10 of such act (29 U. S. C. 160); or

"(4) exercise any other right or privilege, or receive any other benefit, substantive or procedural, provided by such act for labor organizations.

"(i) When an order of the Board determining that any such labor organization is a Communist-infiltrated organization has become final, and such labor organization theretofore has been certified under the National Labor Relations Act, as amended, as a representative of employees in any bargaining unit—

"(1) a question of representation affecting commerce, within the meaning of section 9 (c) of such act, shall be deemed to exist with respect to such bargaining unit; and

"(2) the National Labor Relations Board, upon petition of not less than 20 percent of the employees in such bargaining unit or any person or persons acting in their behalf, shall under section 9 of such act (notwithstanding the limitation of time contained therein) direct elections in such bargaining unit or any subdivision thereof (A) for the selection of a representative thereof for collective-bargaining purposes, and (B) to determine whether the employee thereof desire to rescind any authority previously granted to such labor organization to enter into any agreement with their employer pursuant to section 8 (a) (3) (ii) of such act."

SEC. 9. Subsections (a) and (b) of section 14 of such act (50 U. S. C. 793) are amended by inserting in each such subsection, immediately after the words "section 13," a comma and the following: "or subsection (f) of section 13A."

SEC. 10. If any provision of this title or the application thereof to any person or circumstances is held invalid, the remainder of the title, and the application of such provisions to other persons or circumstances, shall not be effected thereby.

Mr. BUTLER. Mr. President, will the Senator from Texas briefly state the effect of his amendment?

Mr. DANIEL. Mr. President, the amendment I have sent to the desk would amend the amendment in the nature of a substitute, offered by the Senator from Minnesota [Mr. HUMPHREY], by adding to that amendment the so-called

Butler bill, which has been under discussion on the floor of the Senate, but with a few minor changes, which I have explained to the Senate.

Some of those changes are in accordance with the amendment which the Senator from Minnesota has at the desk. The changes are these:

The 5-year period during which previous activities would be considered would be changed to 3 years. The procedure set up for the Board would be that it shall not only take into consideration certain activities which would be outlawed hereby, but that it make a determination of whether or not it finds that the individuals concerned in these organizations were guilty of these acts. The amendment I have sent forward has the Ives amendment in it. It contains a severability clause.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. DANIEL. I yield to the Senator from California.

Mr. KNOWLAND. Some question has been raised on the floor as to the constitutionality of the Humphrey amendment itself, that is, the outlawing of the Communist Party. Of course, no one knows how the Supreme Court may decide that issue. If they should perchance decide that the amendment was unconstitutional, in the Senator's judgment as a lawyer, if his severability clause were included, would the Butler bill be left intact?

Mr. DANIEL. Yes, that is correct. If any portion of the Humphrey substitute should be declared unconstitutional, or if the Butler bill, which I have sent to the desk as an amendment to the Humphrey substitute, should be declared unconstitutional, it is my opinion that under the severability clause the remaining portion of the bill would be in force and effect.

The final change I have made in the Butler bill by my amendment would be simply to add, on page 8, beginning with line 11, Communist-action organizations and Communist-front organizations to Communist-infiltrated organizations when we provide that such organizations shall be ineligible in certain respects, enumerated in the bill, before the National Labor Relations Board. Those are the changes.

Mr. BUTLER. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Maryland?

Mr. DANIEL. I yield to the Senator from Maryland.

Mr. BUTLER. Has the Senator an amendment in line 5 on page 2?

Mr. DANIEL. In 3 places on page 2—line 5, line 8, and line 9—I have added the word "knowingly" before the word "giving" in line 5, before the word "serving" in line 8, and before the word "served" in line 9, in accordance with the explanation heretofore made.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DANIEL. I yield to the Senator from Minnesota.

Mr. HUMPHREY. So the RECORD will be clear as to the amendment lying on the desk, which is my amendment designated "8–11–54–H", the word "knowingly" is the addition to which the Senator refers, is it not?

Mr. DANIEL. That is correct. The word "knowingly" is added. As I said a moment ago, I believe the Senator from Minnesota [Mr. HUMPHREY] has that amendment at the desk.

Mr. KNOWLAND. The amendment marked "H," or "J"?

Mr. HUMPHREY. The one designated "H."

Mr. KNOWLAND. No; the amendment designated "J" is the amendment of the Senator which is at the desk, the one outlawing the Communist Party.

Mr. HUMPHREY. I may say to the distinguished Senator that I have four amendments at the desk.

The PRESIDING OFFICER. The Chair is advised that the one marked "J" is the one which is pending.

Mr. HUMPHREY. Yes. I was saying that there was also an amendment which is printed and lying on the desk which I would have called up, but I shall not do so in view of what the Senator from Texas [Mr. DANIEL] is now doing, namely, modifying the original proposal before the Senate, S. 3706. He is modifying that proposal in this instance in light of a particular amendment. That is all I wished to clarify.

Mr. DANIEL. The Senator is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Texas [Mr. DANIEL] for himself and other Senators in the nature of a substitute for the amendment offered by the Senator from Minnesota [Mr. HUMPHREY] for himself and other Senators.

Mrs. SMITH of Maine. The Senator from Maine should like again to ask the distinguished chairman of the Internal Security Subcommittee if he could give us assurance that there will be hearings and a full discussion on the floor of the Senate on a bill outlawing the Communist Party.

Mr. JENNER. Yes; I can say to the distinguished Senator from Maine that that is going to be done in the early part of next year. The big difficulty, the Senator will find, is writing a definition. It has been tried many times before. That is one of the stumbling blocks. "Outlawing the Communist Party" is mere words, because it is action that does the damage, and not membership in the Communist Party.

Mrs. SMITH of Maine. The Senator from Indiana would agree with the Senator from Maine that there should be a full discussion and a lengthy discussion on the floor of the Senate before we vote on amendments outlawing the Communist Party?

Mr. JENNER. I most assuredly do.

Mrs. SMITH of Maine. I should like a similar assurance from the majority leader.

Mr. KNOWLAND. Mr. President, all I can say is that of course I cannot schedule proposed legislation until first it has been reported by the proper legislative committee, and, secondly, it has been cleared for action by the policy committee. Assuming that such legislation has been reported by the proper legislative committee, and assuming it has been cleared for action by the policy committee, and that I am still majority leader, I can assure the Senator that it will be scheduled for action by the Senate.

Mrs. SMITH of Maine. I thank the Senator very much.

Mr. KNOWLAND. Mr. President, I wish to speak briefly in regard to this proposal.

I recognize some of the problems involved in the amendment offered by the Senator from Minnesota [Mr. HUMPHREY]. Without the amendment to the substitute offered by the Senator from Texas [Mr. DANIEL], I should not vote for the Humphrey substitute; but with the amendment to the substitute proposed by the Senator from Texas, I shall support the Daniel amendment and then, if the amendment is carried, I shall support the substitute, as amended, and then the bill, as amended, provided, of course, no future amendments are adopted which would completely destroy the effectiveness of the bill.

Apparently there is a question among the legal lights as to whether or not the outlawing of the Communist Party would be constitutional. Undoubtedly, able and distinguished lawyers will differ on that subject. No one will know the answer to that question until the Supreme Court of the United States speaks the final word, and we know that even in the Supreme Court on various issues there are sometimes 5-to-4 decisions, sometimes 6-to-3 decisions, or 7-to-2, or 8-to-1, or unanimous decisions. No one can look into a crystal ball and know what the ultimate decision in that regard may be.

I call the attention of the Members of the Senate to the fact that this bill, as amended in whatever form the Senate may pass it, will have to go to the House, and undoubtedly to a conference between the two Houses. Further study may be given as to the desirability or the exact language of the provision outlawing the Communist Party.

Furthermore, with the severability clause which has been added by the distinguished and able Senator from Texas, who is one of the outstanding lawyers of this body, in the event the Supreme Court of the United States should declare part of the substitute bill unconstitutional, namely, the Humphrey original substitute, there will still be standing the complete Butler bill as reported by the Judiciary Committee of the Senate.

Under those circumstances, Mr. President, I intend to vote first for the Daniel amendment, and then for the bill as amended by the substitute.

Mr. President, I think the discussion on the floor has been of great value. I am sure that the conferees—and there will be a distinguished group from this and the other body—will give further consideration to the various arguments and discussions that have taken place, but I believe the time has come to face up to this issue, and it seems to me that here and now is the place to do it.

In the event Congress does not at this session enact legislation to outlaw the Communist Party, I certainly hope the whole issue will be explored, as indicated

by the distinguished and able Senator from Maine [Mrs. SMITH].

So far as I am concerned, I am prepared to vote on this issue today, and I ask that the yeas and nays be ordered on the amendment proposed by the Senator from Texas [Mr. DANIEL] to the Humphrey substitute.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. HUMPHREY. Mr. President——

Mr. FERGUSON. The Senator from California has yielded, and I should like to ask a question.

The PRESIDING OFFICER. The yeas and nays have been requested.

Mr. KNOWLAND. Let me withhold that request until the Senator from Michigan has an opportunity to ask a question.

The PRESIDING OFFICER. The Senator withholds the request, and yields to the Senator from Michigan.

Mr. FERGUSON. The Senator from Michigan is concerned with this question: To outlaw the name "The Communist Party" and not to outlaw the activities, the conduct, and the overt acts which we have been trying to deal with in America is the problem we must face today.

There is one difficulty involved. We passed a security act, not based on the outlawing of a party. If we now pass a law to outlaw a party as a party in my opinion we shall find ourselves in serious trouble. I have not today had sufficient time to go back and study the Internal Security Act, but I believe we must face that question, because we propose to compel people to testify against themselves, which is something we tried to avoid when we very carefully drew up the Mundt-Ferguson section of the Internal Security Act.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. FERGUSON. I am glad to yield.

Mr. KNOWLAND. It seems to me that is one of the problems with which, obviously, the conferees will have to concern themselves.

Certainly we wish to do nothing which would interfere with the effectiveness of the Internal Security Act, which is a good piece of legislation and is being effectively used.

I understand the legislative intent, as expressed by the Senator from Texas [Mr. DANIEL], and I believe by the Senator from Minesota [Mr. HUMPHREY], I do not believe there is any legislative intent to subvert the Internal Security Act.

It seems to me that any overt acts would still be illegal, whether they were performed by something which might call itself the Communist Party or something else. Earlier in the day the Senator yielded for a question from the Senator from California, and I pointed out that we are all agreed that the mere outlawing of the Communist Party, as a name, would not solve the problem.

Mr. FERGUSON. That is correct.

Mr. KNOWLAND. As I pointed out earlier, the same people might form themselves into an organization called the "L. S. and M. Society," giving to the outside world some other meaning, but actually meaning "Lenin, Stalin, and Malenkov Society." They would be the same Communists, but they would be operating under a different name. But if they were performing overt acts and doing things in violation of the Internal Security Law, it seems to me they would still be in violation of the law. Nothing in the proposed legislation would prevent their prosecution, if they committed overt acts.

If there is any problem in that regard, and further clarification is felt to be necessary, it seems to me that the conferees, who will be very distinguished members of the Committee on the Judiciary of this body, will have an opportunity to study the question and determine what might be needed to prevent the weakening in the slightest degree of the internal security law.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. HUMPHREY. Mr. President——

Mr. MAYBANK. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield; and, if so, to whom?

Mr. KNOWLAND. I yield first to the Senator from Michigan [Mr. FERGUSON]; then to the Senator from Minnesota [Mr. HUMPHREY]; and then to the Senator from South Carolina [Mr. MAYBANK].

Mr. FERGUSON. I should like to inquire of the Senator from Minnesota what he thinks his amendment would outlaw? What would the amendment make illegal?

Mr. HUMPHREY. I think the Senator from Florida [Mr. SMATHERS] answered that question some time ago in his colloquy. Under the Butler bill we are declaring——

The PRESIDING OFFICER. Does the Senator from California ask unanimous consent that this colloquy may ensue?

Mr. KNOWLAND. Yes; I ask unanimous consent that the colloquy be permitted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Under the Butler bill we are declaring illegal, for the purposes of the National Labor Relations Board and for the purposes of governmental agencies in the labor-relations field, a Communist-dominated organization.

Mr. FERGUSON. And other organizations.

Mr. HUMPHREY. And other organizations.

Mr. FERGUSON. Communist-dominated.

Mr. HUMPHREY. Obviously if such an organization is illegal it must be because of the communism which is involved.

Mr. KNOWLAND. Regardless of its name.

Mr. HUMPHREY. Regardless of how it may be termed, it is illegal, because the group or the individual is dedicated to the overthrow of the Government of the United States.

Mr. FERGUSON. And its purpose.

Mr. HUMPHREY. And its purpose. What my amendment does is simply to state this unqualifiedly, and get at the root of the problem rather than at the fringe of it.

The analogy was stated, that if we are going to pick all the fruit from a tree and saw off the branches, because the fruit and branches are bad, maybe it would be better to strike at the roots of the tree.

Mr. FERGUSON. But what conduct would the Senator make illegal by his amendment?

Mr. HUMPHREY. Will the Senator listen?

Mr. FERGUSON. Yes.

Mr. HUMPHREY. Section 3 (a) reads:

> Whoever knowingly and willfully becomes or remains a member of (1) the Communist Party, or (2) any other organization having for one of its purposes or objectives the establishment, control, conduct, seizure, or overthrow of the Government of the United States, or the government of any State or political subdivision thereof, by the use of force or violence——

Mr. KNOWLAND. Or commits overt acts.

Mr. HUMPHREY. Quoting further—

> with knowledge of the purpose or objective of such organization, shall upon conviction be punished as provided by section 15 of the Subversive Activities Control Act of 1950 (50 U. S. C. 794).
>
> (b) For the purposes of this section, the term "Communist Party" means the organization now known as the Communist Party of the United States of America, the Communist Party of any State or subdivision thereof, and any unit or subdivision of any such organization, whether or not any change is hereafter made in the name thereof.

I have tried to close every door.

Mr KNOWLAND. If I may pick up the inquiry at this point, I should like to ask the Senator if it is his judgment, as author of this amendment, that while it outlaws the Communist Party, as indicated——

Mr. HUMPHREY. Yes.

Mr. KNOWLAND. Under the Internal Security Act there would still be full power in the Government to prosecute overt acts committed by those who might call themselves the Communist Party?

Mr. HUMPHREY. Or the Malenkovites.

Mr. KNOWLAND. Or the Malenkov Society, or anything else?

Regardless of the banner under which they travel, if they were in fact a part of the conspiracy and were committing overt acts against the Government and the institutions of this country they could be prosecuted?

Mr. HUMPHREY. I thank the majority leader. Indeed, that is exactly what I mean. This proposed amendment in no way limits the Internal Security Act. In no way does it limit the Smith Act or any other law on the books for the control of subversives.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. HUMPHREY. Mr. President, I wish to say——

Mr. MAYBANK. Mr. President, the Senator from California said he would yield to me.

Mr. KNOWLAND. I will.

Mr. HUMPHREY. In behalf of myself and my cosponsors of the substitute, let me say that we readily accept the amendment to the substitute offered by the Senator from Texas [Mr. DANIEL].

I ask that it may be incorporated in the amendment.

Mr. KNOWLAND. I should like, if the Senator is willing, to have the yeas and nays on that amendment, as we have had the yeas and nays on the Ives amendment, because I think from the point of view of legislative history it will be a great deal stronger. If the author of the amendment [Mr. DANIEL] does not object, I should like to have the yeas and nays ordered on his amendment to the Humphrey amendment.

Mr. MAYBANK. Mr. President, will the Senator yield to me?

Mr. DANIEL. I have no objection, so long as the amendment is adopted. That is what I am interested in.

The PRESIDING OFFICER. The Chair advises the Senator from Minnesota that his proposal can be modified only by unanimous consent.

Mr. HUMPHREY. I realize that. I was merely exploring, as the majority leader says.

The PRESIDING OFFICER. The Senator from California has the floor. To whom does the Senator from California yield?

Mr. KNOWLAND. I yield to the Senator from South Carolina.

Mr. MAYBANK. I wish to ask the Senator from Michigan a question. Was the so-called Mundt-Ferguson bill, about which he spoke, the bill which passed when the Senate was meeting in the old Supreme Court room?

Mr. FERGUSON. That is correct.

Mr. MAYBANK. I was very much in favor of it when it passed and I am now. This morning when I voted for the Magnuson amendment, I knew and understood that the so-called Humphrey amendment would be presented, and I joined as a cosponsor. I spoke to the Senator from Texas [Mr. DANIEL], who told me he intended to offer an amendment to the amendment of the Senator from Minnesota. I told him I would support his amendment to the end. I congratulate the Senator from Texas, the Senator from Minnesota, and the Senator from Maryland [Mr. BUTLER] who originally brought the bill to the floor. I intend to vote as I always vote against Communists.

Mr. FERGUSON. We are dealing in this proposed amendment——

Mr. MAYBANK. I should like to ask the Senator from Michigan a question. By my voting for the Humphrey substitute, the Daniel amendment, and for the final passage of the bill, would I be in any way affecting the votes cast some years ago for the Mundt-Ferguson bill?

Mr. FERGUSON. What is now proposed, in my opinion, is to undo what we tried to do in the Mundt-Ferguson section of the Internal Security Act. We were dealing with overt acts. We were avoiding the word "membership," because it will be found that in the United States there is practically no "member" of the Communist Party. I should like to indicate what we are trying to do in the Butler bill and what we shall be doing if we outlaw the Communist Party. It is proposed to outlaw membership in a party.

Mr. MAYBANK. Can the Senator from Michigan amend the bill so that I can vote for it? I wish to vote against Communists.

Mr. FERGUSON. This is what we provide in the Butler bill. I read from the bottom of page 1:

> The term "Communist-infiltrated organization"—

It will be noted that we are not talking about membership—

> means any organization in the United States (other than a Communist-action organization or a Communist-front organization)—

Those are the two organizations which are mentioned in the Internal Security Act—

> which (A) is substantially directed, dominated, or controlled by an individual or individuals who are, or who within 5 years have been, actively engaged in giving aid or support to a Communist-action organization, a Communist foreign government, or the world Communist movement referred to in section 2 of this title—

That is the Internal Security Act.

Mr. KNOWLAND. Mr. President, will the Senator from Michigan permit an interruption at that point?

Mr. FERGUSON. Certainly.

Mr. KNOWLAND. Assuming that the Senate accepts the amendment of the Senator from Texas to the substitute offered by the Senator from Minnesota, this language will be in the substitute. How does that affect the question of overt acts under the Internal Security Act? Overt acts, regardless of by whom they are committed, whether by the Communist Party or by a party calling itself the M. L. and S. Society, or whatever it may call itself, so long as they are prohibited by the Internal Security Act, will still be illegal, still be subject to prosecution, and still be a part of the Communist conspiracy.

Mr. FERGUSON. The difficulty is that under the Internal Security Act we require Communists to register.

Mr. HUMPHREY. How many have registered?

Mr. FERGUSON. They have not registered because they are Communists. They have not registered yet, but the time is coming when they will have to comply with the law. We require them to register; and now it is proposed to make it a crime to do the thing for which they must register.

Mr. SMATHERS. Mr. President, will the Senator yield for a question?

Mr. FERGUSON. I yield.

Mr. SMATHERS. Which is worse—having them register or making it illegal to do the things which they do?

Mr. FERGUSON. We are repealing the whole law.

Mr. SMATHERS. The Senator has not answered my question. Which is worse—to have them register, or to make it illegal to do the things which they want to do and which they practice all the time?

Mr. FERGUSON. The Senator has asked, in effect, which is the best way to handle the situation.

Mr. SMATHERS. That is correct.

Mr. FERGUSON. Is it better to require registration, or is it better to outlaw communism and make it a crime?

Mr. SMATHERS. And go after them directly with the means we have.

Mr. FERGUSON. The same question arises in connection with the Taft-Hartley law. We require a person to say whether he is a member of the Communist Party or is affiliated with such party. If we approve this provision we cannot compel a man to make an affidavit that he is a Communist. We shall be repealing that section of the Taft-Hartley law.

Mr. HUMPHREY. Mr. President, will the Senator from Michigan yield?

Mr. FERGUSON. I yield.

Mr. HUMPHREY. Does the Senator think that provision is effective now? Does the Senator realize that only recently the court literally threw it out?

Mr. FERGUSON. There is no longer any "membership." The Senator is saying that he wishes to outlaw membership. Why not outlaw conduct and use the same definition which is used in the Internal Security Act and in the bill which is before us?

Mr. HUMPHREY. I think the majority leader answered that question when he stated that we not only outlaw the conduct which is described in the statute but we also outlaw membership. We strengthen the tools of the Government of the United States to do the job we wish to do.

Mr. FERGUSON. The difficulty is that there are no such things as "members" of the Communist organization——

Mr. HUMPHREY. Oh, yes; there are.

Mr. MANSFIELD. Mr. President, will the Senator from Michigan yield?

Mr. FERGUSON. I yield.

Mr. MANSFIELD. I think the next logical step is to outlaw the party. If we are against Communists, we had better outlaw the party, and this is the way to do it.

Mr. FERGUSON. Why not outlaw certain types of conduct?

Mr. MANSFIELD. Outlaw the whole party.

Mr. FERGUSON. Why not outlaw an organization which is substantially directed, dominated, or controlled by an individual or individuals who are, or who within 5 years have been, actually engaged in knowingly giving aid and support to a Communist-action organization?

Mr. KNOWLAND. That is all taken care of by the amendment of the Senator from Texas [Mr. DANIEL], which is now the pending amendment. He has added the precise language of the Butler bill as a part of the Humphrey substitute.

Mr. FERGUSON. But the difficulty is that we are still retaining the "membership" idea.

Mr. MANSFIELD. The difficulty is that we are faced with a decision, at long last, and for the first time, as to whether or not we want to outlaw the Communist Party in the United States.

Mr. KNOWLAND. As a part of an international conspiracy.

Mr. MANSFIELD. Yes; because it advocates the overthrow of the Government, violates the laws of the country, and is a part of an international conspiracy.

Mr. FERGUSON. If it is the intention to retain membership in the Communist Party as one of the elements, I

should like to ask the Senator from Minnesota where he would add the words on page 2 of the Butler bill in his amendment in the nature of a substitute.

Mr. HUMPHREY. I shall be delighted to answer the Senator from Michigan.

Mr. KNOWLAND. The author of the amendment, who is offering the entire Butler bill, as modified, could give that as a part of the legislative history.

Mr. DANIEL. At the end of the Humphrey substitute, my amendment would add all of the Butler bill, renumbering the sections and making certain modifications which I have explained to the Senate. If my amendment is adopted, there will have been added to the Humphrey substitute all of the Butler bill.

Mr. KNOWLAND. With a separability clause, so that if the Humphrey substitute should be declared unconstitutional by the Supreme Court, the Butler bill would stand as reported by the committee, with such modifications as have been agreed to, including the Ives amendment.

Mr. HUMPHREY. Or vice versa.

Mr. KNOWLAND. Or vice versa.

Mr. DANIEL. So that if part of either proposal should be declared unconstitutional by the Supreme Court, the remaining portion, which would be severed, would remain the law of the land.

Mr. KNOWLAND. I ask the Senator from Texas—and this may be one of the points bothering the Senator from Michigan—whether or not the provisions of the Butler bill, in and of themselves, are contingent upon the sections of the Humphrey amendment.

Mr. HUMPHREY. Not at all.

Mr. KNOWLAND. In other words, it is not required that these things shall have been done, plus membership in the party, but it is like two bills in one.

Mr. HUMPHREY. Siamese twins, so to speak.

Mr. KNOWLAND. If this provision is held to be constitutional and sound, and if such persons violate the law and are also members of the International Communist conspiracy, the Communist Party—which is a conspiracy, rather than a political party—and if they have committed any overt act, the Attorney General could still apply against them the Internal Security Act provisions for having violated the sections of the Butler bill and the Internal Security Act. Is that correct?

Mr. DANIEL. That is correct.

Mr. FERGUSON. But the difficulty is that the Senator has not changed the definition of membership in the proposal to outlaw the Communist Party. I say that what is sought to be done is an idle gesture. The Senator is seeking to outlaw what no longer exists in the United States. What the Senator is seeking to outlaw is the following:

> Whoever knowingly and willfully becomes or remains a member of (1) the Communist Party, or (2) any other organization having for one of its purposes or objectives the establishment, control, conduct, seizure, or overthrow of the Government of the United States, or the government of any State or political subdivision thereof, by the use of force or violence, with knowledge of the purpose or objective of such organization, shall upon conviction be punished as provided by section 15 of the Subversive Activities Control Act of 1950.

The Senator from Minnesota is requiring the element of membership in a party which has for its purpose the control, seizure, or overthrow of the United States Government or one of its subdivisions.

Mr. KNOWLAND. That is not exclusive. If the Senator from Michigan is correct in his statement that under the Taft-Hartley Act no one has admitted that he was a member of the Communist Party—and generally or probably that has been the case——

Mr. FERGUSON. Because it cannot be proved.

Mr. KNOWLAND. Because it cannot be proved. It seems to me, under those circumstances, it is not necessary to proceed under this section, which might be called a separate title, if it were desired to have the bill written in that way. It would not be necessary to proceed under the Humphrey substitute. The procedure could be under the section offered by the Senator from Texas [Mr. DANIEL], or under the Internal Security Act, which prescribes certain standards for determining overt acts against the Government of the United States.

I think the legislative intent has been made clear by the author of the original substitute, the Senator from Minnesota [Mr. HUMPHREY], and the author of the amendment to the substitute, the Senator from Texas [Mr. DANIEL]. They do not desire to affect adversely, in the slightest degree, the operation or scope of the Internal Security Act.

If there is any technical situation because of which the conferees might find that some change in language were needed, it seems to me that that could be settled in conference. But I think the legislative intent is clear—at least, I hope it is clear—from the debate.

As I understand, it has been confirmed by both Senators that the Daniel amendment, which is really the Butler bill, is not dependent in the slightest degree upon the Humphrey substitute.

Mr. HUMPHREY. It is not.

Mr. KNOWLAND. Prosecutions under the Daniel amendment would not be dependent upon the Humphrey substitute. Each stands on its own feet. A proceeding may be had under the Daniel amendment without regard to the Humphrey substitute.

If in case of the Humphrey substitute the empty gesture of preserving the Communist Party, as such, were made, because of continuing to maintain its name, or if it becomes an overt, subversive organization under any other name, procedure can be taken under the Internal Security Act or under the Butler bill.

Mr. HUMPHREY. Or under the Humphrey substitute.

Mr. KNOWLAND. Or under the Humphrey substitute.

Mr. HUMPHREY. Section 2 of the Humphrey substitute contains findings of fact which declare as a congressional policy that the Communist Party is not a political party in the normal understanding of the terminology, but is a conspiratorial apparatus, an international conspiracy, with a sort of holding company operation in the United States. Therefore, it does not qualify as a political party. Second, this conspiratorial apparatus is dedicated to the destruction and overthrow of the Government and all representative institutions throughout the country, through the overthrow of the Republic. That is an established fact; and once that fact is acknowledged it will be much easier to deal with the Communist conspiracy in this country.

Mr. KNOWLAND. If a person refuses to register, which is what is being done now, because such persons resign from the party the moment they walk through the doorway, as was so well poined out by the Senator from Indiana [Mr. JENNER], it is still not necessary to prove that they are members of the Communist Part, because if they have been engaged in an organization which has tried to subvert the Government by overt acts or by other violations of the Internal Security Act, they can still be proceeded against under the power and authority of the Butler bill.

Mr. HUMPHREY. And under the Smith Act.

Mr. FERGUSON. The difficulty with the procedure now is that the Senator is trying to outlaw one thing, namely, membership in a party.

Mr. KNOWLAND. In a conspiracy.

Mr. FERGUSON. No, in a party.

Mr. HUMPHREY. Or any other organization.

Mr. FERGUSON. That is right; or any other organization. The Humphrey substitute refers to membership in "the Communist party, or any other organization having for one of its purposes or objectives the establishment, control, conduct, seizure, or overthrow of the Government of the United States."

What I seek to outlaw is what communism is doing—not membership in a party or an organization.

Notice how the Humphrey substitute avoids this language:

> Any organization in the United States which is substantially directed, dominated, or controlled by an individual or individuals who are, or who within 5 years have been actively engaged in.

Now we come to the real meaning of what the Communists are doing in America. It is not membership in the party which concerns us; it is what the members are doing. What are they doing?

> Giving aid or support to a Communist-action organization, a Communist foreign government, or the world Communist movement.

Why does not the Senator from Minnesota include that in his definition?

Mr. HUMPHREY. I have accepted the amendment offered by the Senator from Texas [Mr. DANIEL], which is exactly what the Senator from Michigan has been reading.

Mr. FERGUSON. The Senator from Minnesota does not add anything to this definition.

Mr. HUMPHREY. The Senator from Texas has been consulting with me all afternoon. We have been working on his proposal. I have said I thought it

was a desirable proposal, and I have accepted it as a modification of my substitute.

Mr. KNOWLAND. The Senator from Minnesota said he would be willing to accept it.

Mr. HUMPHREY. I said I would be willing to accept it.

Mr. KNOWLAND. I said I wanted to have a separate vote on the two parts.

Mr. HUMPHREY. I point out to the Senator from Michigan that I have done, in the findings and declarations set out in section 2 of my substitute, everything to which the Senator from Michigan is directing attention therein. We have been making speeches about the menace of communism in every American Legion and VFW Post in America to the effect that we ought to outlaw the party. We are going to outlaw it this afternoon.

Mr. FERGUSON. We would be outlawing something that does not exist now. That is the trouble. There is no longer such a thing as membership in the party. What we should do is outlaw the conduct of communism. I propose to revise the language of the Humphrey substitute so as to encompass only those actually engaged in a conspiracy. That is the point. Certainly, we must not use idle words today.

Madam President, I ask unanimous consent that I may ask the Senator from Texas a question.

The PRESIDING OFFICER (Mrs. SMITH of Maine in the chair). Without objection, it is so ordered.

Mr. FERGUSON. First, I should like to ask the Senator from Minnesota if he has included in the definition of membership in the party the words or the substance of the Butler bill beginning on page 1, line 9, down through and including line 14 on page 2?

Mr. HUMPHREY. We included it all.

Mr. FERGUSON. It was included in a separate bill.

Mr. HUMPHREY. I wish the Senator from Michigan would work it out with the majority leader. The majority leader has the proper insight into the situation. I see no sense in being involved in this. I concur with the majority leader. He knows what we are after. He understands we are not proposing to repeal the Smith Act or other anti-Communist acts. All I am trying to do is help a little. I do not want to become involved in this family fight. I shall take my seat.

Mr. FERGUSON. Will the Senator from Minnesota answer the question of the Senator from Michigan as to whether there are now two bills in one, and whether the provision as to membership includes the definition in the Butler bill as to the conduct of communism?

Mr. DANIEL. I said earlier in the afternoon that had I drafted the Humphrey substitute I would have omitted such language. When I was attorney general of my State I drafted such a bill for the Texas Legislature, and I did not specify the names of parties. However, with that in mind, I carefully read all of the language relating to the congressional declaration that the Communist Party of the United States is a part of an international conspiracy which would overthrow the United States Government by force.

I believe that if it is constitutionally possible ever to single out an organization and say that membership therein is a violation of the law, the language of the bill properly does that very thing.

However, suppose we are wrong about that. Suppose the Court should say it is unconstitutional to single out a certain organization by name; and that we ought to single out certain actions of the members of the organization, and the purposes and designs of the organization in general, so that any organization violating those proscribed actions might come under the law. That is in the Humphrey substitute just as clearly as it could be placed in it.

It seems to me that the Senator from Michigan is right when he states that those provisions could be put in two separate bills; but since the Senator from Minnesota has offered his substitute to outlaw the Communist Party, it would mean, if it should be adopted, that the Butler bill and all the work done on it with respect to Communist-infiltrated organizations would go by the board. Therefore I began work to see if the Humphrey substitute could not be amended so as to include the provisions of both the substitute and the bill. That proposal is now before the Senate. If my proposal is adopted, the provisions of the Butler bill would be added to the Humphrey substitute, and the Senate could then vote on the provisions in one bill.

Mr. FERGUSON. The difficulty is that two sections are involved.

Mr. DANIEL. Almost all bills have more than one section.

Mr. FERGUSON. This is how the term "Communist Party" is defined in the Humphrey substitute:

> For the purposes of this section, the term "Communist Party" means the organization now known as the Communist Party of the United States of America, the Communist Party of any State or subdivision thereof, and any unit or subdivision of any such organization, whether or not any change is hereafter made in the name thereof.

The Butler bill spells out Communist organization, the Communist foreign government, or the world Communist movement. That definition is left out in the Humphrey substitute. In the definition, reference to Soviet Russia is left out.

Mr. MORSE. Madam President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Oregon?

Mr. KNOWLAND. Madam President, I have the floor, but in order that the situation may be clarified, I ask unanimous consent that I may be permitted to yield without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. KNOWLAND. I yield to the Senator from Oregon.

Mr. MORSE. As one of the sponsors of the substitute, let me say that we welcome adding the suggestion of the Senator from Michigan to the substitute.

Mr. FERGUSON. That is what I have been trying to do.

Mr. MORSE. We are glad to add that language to it.

Mr. FERGUSON. The Senator from Texas put it in another section, and allowed it to be severed from this section.

Mr. KNOWLAND. Madam President, in view of that statement—and the author of the original substitute is present—if the Senator wants to add that provision to the original substitute, we are prepared to take it. Then there would be included both the provision for the outlawing of the Communist Party in the language which the Senator desires and the provisions of the Butler bill.

Mr. FERGUSON. It is perfectly satisfactory to the Senator from Michigan if a proper definition is included. If the Senator from California will allow us sufficient time to frame the language, I think I can revise the language of the Humphrey substitute—and this goes to the very heart of the matter—so as he include only conspirators.

Mr. KNOWLAND. I expect to suggest the absence of a quorum very shortly.

Mr. PAYNE. Madam President, will the Senator yield?

Mr. KNOWLAND. I yield to the Senator from Maine.

Mr. PAYNE. I have been greatly interested in the long debate which has taken place with reference to the measure which has been under discussion It is a measure in which many of us long have had an interest, but I think the record should be made unmistakably clear, and it should be emphasized in the RECORD, that the first Member of the Senate to introduce proposed legislation of this nature was none other than my distinguished colleague, the senior Senator from Maine [Mrs. SMITH]. She has constantly fought to have the Congress outlaw the Communist Party, an organization which is international in scope, and with respect to whose members our people have spent millions of dollars in an effort to eliminate them from government, and others places, for they have found a way to ferret themselves even into the very structure of our free Government itself; up to this very moment the Government and we of the Congress have not given the recognition to which, in my opinion, the senior Senator from Maine has long been entitled for having recognized the necessity for legislation which would clearly and unmistakably outlaw a party with which we cannot live and which is determined to tear down the very structure of the American Government and the institutions of its free people. Let the word go out to the entire world that we of America will have no part of it. We will not live with it, and we do not want it under any guise whatever.

So I am happy to say that I stand, as I always have stood, with the senior Senator from Maine [Mrs. SMITH], and I shall likewise stand in support of the position the majority leader has taken this afternoon in supporting both the

amendment of the distinguished Senator from Texas and the substitute of the Senator from Minnesota.

Mr. MORSE and Mr. LEHMAN addressed the Chair.

Mr. KNOWLAND. I yield first to the Senator from Oregon. Then I shall yield to the Senator from New York.

Mr. MORSE. I wish to say to the junior Senator from Maine [Mr. PAYNE] that I completely agree with the tribute he has just paid to the senior Senator from Maine [Mrs. SMITH].

I am sure the junior Senator from Maine was not on the floor earlier in the afternoon when the Senator from Minnesota paid a similar tribute to the senior Senator from Maine, for the leadership she has taken on this issue.

Mr. President, if the majority leader will permit me——

Mr. KNOWLAND. Yes.

Mr. MORSE. I should like to ask the Senator from Texas a question which I think is most relevant to the discussion we have been having with the Senator from Michigan [Mr. FERGUSON]. When we come to the issue of whether any part of the Humphrey amendment may raise a constitutional question, and particularly with reference to the point the Senator from Texas made, relating to the singling out of an organization by name, rather than by setting forth the acts that are to be made illegal, does the Senator from Texas agree with me that the language of the Humphrey amendment, the language of the Butler bill and, for that matter, the language of the Daniel amendment permit of the application by the courts of the doctrine of separability? Does the Senator agree with me that when the court comes to pass on any constitutional issue which may be raised in connection with the bill, it will find itself in a position to say that if some portion of the bill is found not to comply with some legal test the court may wish to apply to it, the doctrine of separability will be applicable to this bill?

Mr. DANIEL. I certainly agree.

Mr. MORSE. I also agree. However, I wish to say that I am satisfied that the bill in its entirety will meet any constitutional test the courts may put it to.

Mr. KNOWLAND. I thank the Senator from Oregon.

Mr. LEHMAN. Madam President, will the Senator from California yield to me?

Mr. KNOWLAND. I yield.

Mr. LEHMAN. I was very much interested in the remarks of the junior Senator from Maine [Mr. PAYNE], and I agree with him that the senior Senator from Maine [Mrs. SMITH] deserves a great deal of credit.

I have been amazed to hear some of my colleagues, notably the Senator from Michigan, imply that there is no such thing as danger from the Communist Party in this country. As a matter of fact, we have been hearing for days, months, and years about the danger.

Mr. KNOWLAND. Madam President, in fairness to the Senator from Michigan, who is not now on the floor, I wish to state that I was here during the entire discussion, and I do not think the Senator from Michigan said there was no danger from the Communist Party. As I understood his remarks, he said the Communist as a matter of party practice deny they are members of the so-called Communist Party; and, except for the officers they have from time to time, the membership is a sort of vanishing membership, and is very difficult to deal with them, just as it is very difficult to handle quicksilver. Whenever Communists appear before a committee to testify or to sign the Taft-Hartley affidavit, they automatically resign from membership just before they testify or sign the affidavit. However, that does not mean that the Communist Party is not a danger. Certainly it is a danger; and all Senators—including the Senator from Michigan [Mr. FERGUSON], the Senator from New York [Mr. LEHMAN] and all the others of us—recognize the danger.

Perhaps I am treading where angels should fear to tread—because I am not a lawyer—but at least I may say that I have tried to analyze the situation carefully. It seems to me that the Butler bill is a sound one; and with the modifications which have been made to it, by way of amendment—including the amendment of the Senator from New York [Mr. IVES], as modified, and with the pending amendment of the Senator from Minnesota [Mr. HUMPHREY], with the changes submitted by the Senator from Texas [Mr. DANIEL]—I believe the bill will be a good one.

As I have recognized earlier in my remarks, some further clarification may be necessary; and, if so, I believe the conferees will be able to work it out.

But in view of the suggestion which finally has developed, and which the Senator from Michigan has accepted, namely, to add the amended provisions of the Butler bill to the Humphrey amendment—and the distinguished Senator from Minnesota and the distinguished Senator from Michigan made it very clear that that would be agreeable to them—I hope we shall solve the problem and shall be able to pass the bill, and then proceed with bills on the calendar and with other legislative business.

In fairness to the Senator from Michigan, I wished to clarify that point.

Mr. LEHMAN. Madam President, will the Senator from California yield further to me?

Mr. KNOWLAND. I yield.

Mr. LEHMAN. However, the impression was given that the Communist Party in this country amounts to very little, and that its members virtually disappear.

Let me ask the distinguished majority leader whether it is not a fact that the many Communist leaders who were convicted under the Smith Act were convicted because of their known and established membership in the Communist Party.

Mr. KNOWLAND. I think they were convicted for the part they were taking in the international conspiracy. Again I state that I am not a lawyer, but I believe those leaders were convicted for the part they took in the international conspiracy which has for its purpose the overthrow by force or violence of the Government of the United States. Under those circumstances, it matters little whether the organization is known as the Communist Party or has some other name; the revolutionary banner carriers, by whatever name they might be called, would still have been guilty under the Smith Act if they were participating in an organized movement directed at the forcible overthrow of the Government of the United States.

Mr. LEHMAN. But the basis on which those leaders were convicted was membership in the Communist Party.

Mr. KNOWLAND. Yes; but even if they are proved not to be members of the Communist Party, that does not free us from such a conspiracy. In that connection, let me point out that when I was in Czechoslovakia, about 1947, the leaders of the then free Government of Czechoslovakia said to me, "Senator, in our last election in this country the Communists polled less than 5 percent of the total vote."

I asked, "What do you think they will do in the next election?"

They said, "We think they will show a loss of strength, and probably will not poll more than 3 percent of the vote."

I said, "I have just come from Poland, where the Communists are taking over the government. Aren't you afraid they will do the same thing here in your country?"

They said, "No, Senator. We have a constitution molded on the American Constitution. Our great leaders, Benes and Masaryk, were educated partly in your country, and they know American constitutional procedures. We have a completely free press, and freedom of religion, and the highest standard of living in Eastern Europe. We do not think we will ever lose our freedom."

But within 7 months from that date, a coup d'etat in Prague and in the other cities of Czechoslovakia destroyed the freedom of Czechoslovakia; and every one of the leaders to whom I talked, is today either dead or is in a prison camp or has been exiled into the Soviet Union or, in some cases, has fled to the United States. Several of them have come to the United States. All who have not been forcibly captured by the Russians have been forced to flee from their country. Yet, while that conspiracy existed in Czechoslovakia, in the last free election that was held in that country the Communists polled less than 5 percent of the votes.

So I am not particularly impressed by statements that the Communist organization in the United States is a small one. It is a revolutionary conspiracy, with the purpose of destroying the Government of the United States, of destroying free institutions; and it takes its party line from the Kremlin. In my judgment, in the event of war between the United States and the Soviet Union, the members of the Communist Party would be espionage agents and saboteurs, and would operate behind our lines, in an attempt to destroy the productive capacity of the United States and to sabotage our industrial plants and to blow up our railroad lines and our port facilities, and to spy for the Soviet Union; and, in fact, they would be, and they are, the enemies of the people of

the United States and of all the other people of the free world.

That is the type of conspiracy with which we are attempting to deal in this case. They are in no sense a political party. They are part and parcel of a movement which has for its purpose the death of freedom everywhere in the world.

Mr. LEHMAN. Madam President, will the Senator from California yield to me at this point?

Mr. KNOWLAND. I am glad to yield.

Mr. LEHMAN. I am very glad, indeed, to hear those very encouraging words from the majority leader. It was because of my strong feeling that it is necessary to make an honest, sincere, undisguised frontal attack on the Communist conspiracy, led by the Communist Party, in this country, that I was very glad, indeed, and proud to join with my friend and colleague, the junior Senator from Minnesota [Mr. HUMPHREY], in sponsoring the amendment.

Mr. HUMPHREY. Madam President, will the Senator from California yield to me?

Mr. KNOWLAND. I yield.

Mr. HUMPHREY. First, Madam President, I wish to commend the majority leader for what I regard as his splendid dissertation upon and description of the Communist apparatus.

If the Senator from California will permit me to do so, I wish to say that I believe he will be interested in having me read into the RECORD at this time certain language of my amendment "J," as follows:

The Communist Party is relatively small numerically, and gives scant indication of capacity ever to attain its ends by lawful political means. The peril inherent in its operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its activities, and its dedication to the proposition that the present constitutional Government of the United States ultimately must be brought to ruin by any available means, including resort to force and violence. Holding that doctrine, its role as the agency of a hostile foreign power renders its existence a continuing threat to the security of the United States.

The Senator from Minnesota has tried in the compactness of a few paragraphs to point out the nature of this conspiratorial apparatus that hangs over our heads and gnaws at our sinews. I am willing to accept amendments which will improve my substitute amendment. All I am asking is that the Senate once and for all state its position on this amendment. Whether or not the law will become as effective as everybody wants it to, if the bill shall be passed, at least we have come clean morally and politically on this proposition.

Mr. KNOWLAND. I yield to the Senator from Idaho, and then I shall yield to the Senator from Michigan.

Mr. WELKER. I am delighted to hear this discussion of the Communist conspiracy. I do not think I have ever enjoyed a Senate debate as much as I have the one this afternoon, seeing the Members of the Senate fight against this conspiracy which seeks to destroy our country.

Madam President, I have heard it said that the pending measure and the amendment attack only the branches, leaves, fruit, and limbs of the tree, and that we should also attack the trunk. I should like to suggest, on behalf of the junior Senator from Idaho, that we should not only attack the trunk of the consipracy, but as the first order of business when Congress reassembles next January we should dig out the roots of this infamous conspiracy by severing diplomatic relations with Russia and every one of the satellite countries she controls, because, in the opinion of the junior Senator from Idaho, all their embassies and every place where they stay in this country are nothing but havens, nests for spies, saboteurs, and espionage agents.

I invite the Senator from Minnesota to join me in a crusade, come January, to get the roots as well as the trunk.

Mr. KNOWLAND. I yield to the Senator from Michigan.

Mr. FERGUSON. The proposal we desire to submit is on page 3 of the Humphrey substitute to add at the end of line 25 the following language:

Or whose members are substantially directed, dominated, or controlled by an individual or individuals who are, or who within 3 years have been actively engaged in, knowingly giving aid or support to a Communist-action organization, a Communist foreign government, or the world Communist movement referred to in section 2 of the Internal Security Act of 1950 and (B) is serving, or within 3 years has served, as a means for (i) knowingly giving of aid or support to any such organization, government, or movement or (ii) the impairment of the military strength of the United States or its industrial capacity to furnish logistical or other material support required by its Armed Forces.

Then we propose to add another section at the end of the bill, to read:

For the purpose of this act, in determining whether or not a person is a member of an organization, the court or agency required to determine such membership shall take into consideration the connection of such person or persons with such organization as evidenced by his adherence to the discipline of the organization, his acceptance of the purposes and objectives of the organization, and other such incidents of affiliation with the organization.

What is membership?

Mr. HUMPHREY. If the Senator wants to propose a substitute to the Humphrey substitute, let him so propose. I cannot understand what his idea is, unless the Senator simply desires to amend the bill by adding the Ferguson amendment. What we have here already is a statement of the findings of fact, a statement as to proscribed organizations and their nature, and the Daniel amendment, which brings in everything the Butler bill contains. Now the Senator gets into a whole wide area far beyond anything that has ever been discussed in connection with this matter.

Mr. KNOWLAND. Is what the Senator from Michigan proposes substantially the language of the Butler bill?

Mr. FERGUSON. The first part which I read——

Mr. HUMPHREY. Is in the bill.

Mr. FERGUSON. Wait a minute. It is not in this part of the bill. There is a severability clause in it.

Mr. KNOWLAND. Can we not take the amendments one at a time?

Mr. FERGUSON. Will the Senator take the first proposal I have read?

Mr. DANIEL. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. DANIEL. As I understood the Senator from Michigan, he was going to improve upon the definition of "Communist Party."

Mr. FERGUSON. That is correct.

Mr. DANIEL. It appears to me that he is including organizations which we are defining in the Butler bill as being Communist-infiltrated organizations. Would the Senator say that all Communist-infiltrated organizations are the same as the Communist Party?

Mr. FERGUSON. No.

Mr. DANIEL. The Senator would not want the definition of "Communist Party" to include Communist-infiltrated organizations, would he?

Mr. FERGUSON. This definition is one which would apply to a Communist organization, or a Communist foreign government, or a world Communist movement.

Mr. HUMPHREY. We have all that in the bill.

Mr. FERGUSON. We do not have it in the definition of what we are outlawing.

Mr. KNOWLAND. Will the Senator read his first proposed amendment again so we can follow it, and without the subsequent one at the end of the bill?

Mr. FERGUSON. I am reading now from——

Mr. KNOWLAND. Page 3 of the Humphrey substitute.

Mr. FERGUSON. I will read it all so it will join up properly.

Mr. GEORGE. Would it not be wise to give some consideration to saying what the court shall consider as evidence? The Senator's amendment is a mandatory order to the Supreme Court.

Mr. FERGUSON. That is covered in the second section.

Mr. GEORGE. Yes.

Mr. FERGUSON. Line 20 reads:

(b) For the purposes of this section, the term "Communist Party" means the organization known as the Communist Party of the United States of America, the Communist Party of any State or subdivision thereof, and any unit or subdivision of any such organization, whether or not any change is hereafter made in the name thereof—

Mr. KNOWLAND. Parenthetically, that is the existing language of the Humphrey substitute. Now the Senator brings in new language.

Mr. FERGUSON. To continue—

or whose members are substantially directed, dominated, or controlled by an individual or individuals who are, or who within 3 years have been actively engaged in, knowingly giving aid or support to a Communist-action organization, a Communist foreign government, or the world Communist movement referred to in section 2 of the Internal Security Act of 1950—

Mr. DANIEL. Madam President, will the Senator yield right there?

Mr. FERGUSON. I yield.

Mr. DANIEL. Under the definition as far as the Senator has gone, he would say that "Communist Party" as used in this act means any organization whose members have been contributing aid to a Communist-front organization or a Communist-action organization. Is that correct?

Mr. FERGUSON. A Communist-action organization, a Communist foreign government, or the world Communist movement.

Mr. DANIEL. Would the Senator want all organizations which had members who were in that category to be defined as the Communist Party?

Mr. FERGUSON. As being included in the membership of the Communist Party. We are not dealing with the Communist Party.

Mr. DANIEL. We are dealing with the definition of the term "Communist Party." That is what the Senator's words refer to.

Mr. FERGUSON. Yes; that is the Communist Party, where the membership is substantially directed.

Mr. DANIEL. Suppose there is an organization of a thousand members, and only 2 members are substantially aiding Russia or a Communist-front organization, would the Senator mean to define that organization of a thousand members, 998 of whom are not engaged in the proscribed acts, as the Communist Party?

Mr. FERGUSON. I believe if we are to act on the membership, it is necessary to do it as I suggest.

Mr. DANIEL. I do not see how the Senator could include those words in the definition of the Communist Party.

Mr. FERGUSON. Would the Senator accept this language?

Mr. MORSE. Madam President, will the Senator from California yield?

Mr. KNOWLAND. I yield.

Mr. MORSE. I should like to ask the Senator from Michigan a question. Is the first part of the language the Senator has read taken verbatim from the Butler bill?

Mr. FERGUSON. Practically so.

Mr. MORSE. I made very clear that if the Senator's objection to the Humphrey amendment is that it does not include certain language in the Butler bill which he believes is needed for clarification purposes, I would welcome, so far as I am concerned, the insertion of such language. I still stand by what I said. If it be true that the Senator is adding language over and above what is contained in the Butler bill, then I shall want to study its effectiveness.

Mr. FERGUSON. I strike out the word "title" and substitute "Internal Security Act of 1950," which is the act itself, or the title referred to.

Mr. HUMPHREY. We are dealing with two organizations. First there is a Communist-infiltrated organization, and then a Communist-dominated organization. They are separate and distinct, insofar as their structure is concerned, from the Communist Party, or other organizations that are designed for the purpose of sabotage, force, and violence.

Communist-front organizations are designed for political purposes. It appeared to me that the Butler bill and the Subversive Activities Control Act of 1950 are directed primarily toward those organizations which could be called action organizations in political, social, and cultural areas. The purpose of my substitute is to pinpoint the Communist Party and to outlaw membership in that party and thereby the party itself. The organizations are really separate and distinct. I am not trying to weaken the bill; I am endeavoring to improve it.

Mr. FERGUSON. But the Senator from Minnesota is weakening it.

Mr. HUMPHREY. I believe we have covered the tracks as well as we can and have covered the main area involved.

Mr. FERGUSON. The Senator is weakening it to this extent—that all he would be outlawing would be the Communist Party. I read from his definition:

> For the purpose of this section, the term "Communist Party" means the organization now known as the Communist Party of the United States of America.

Mr. DANIEL. Madam President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. DANIEL. In addition to that, the Humphrey substitute would outlaw any other organization having—I am reading from page 3, line 11—

> any other organization having for one of its purposes or objectives the establishment, control, conduct, seizure, or overthrow of the Government of the United States, or the government of any State or political subdivision thereof, by the use of force or violence—

And so forth.

Mr. FERGUSON. It would not outlaw those organizations in America which are the real Communist Party in America, and which are carrying out the Communist foreign government idea or the world Communist movement referred to in section 2 of the Internal Security Act of 1950.

Mr. DANIEL. There are now included in the bill the Communist Party, which is referred to in the Humphrey substitute, and Communist-infiltrated organizations referred to in the Butler bill. The Senator's definition would appear to me to make the organizations synonymous. They are actually separate. We are dealing with one in the Butler bill and with the other in the Humphrey substitute.

Mr. FERGUSON. Will the Senator amend the section so as to include organizations which are formed to carry out the policies of a Communist foreign government or the world Communist movement referred to in section 2 of the Internal Security Act of 1950?

Mr. DANIEL. That would certainly be acceptable to the Senator from Texas.

Mr. FERGUSON. I believe that would cover the situation.

Mr. MORSE. Madam President——

Mr. KNOWLAND. I yield to the Senator from Oregon.

Mr. MORSE. Mr. President, I am just thinking out loud. I have not had a chance to sit down and write anything on paper.

In order to outline an area of possible agreement, is there any objection, on page 3 of the Humphrey amendment, to inserting after line 19, language to the following effect? It would be a new section (b). The present section (b) would become section (c).

> (b) Who has knowingly and willfully become or remained a member of a Communist-infiltrated organization.

Mr. FERGUSON. I do not want to go that far. I want to provide for a Communist organization organized or carrying out a Communist foreign government policy.

Mr. MORSE. Let me state it this way. I think this might solve our problem. Let me redraft the language on page 3 so that we will accept article (a) of section 3 as it appears in the Humphrey substitute, and then add section (b), which will cover the activities of the Communist-infiltrated organizations.

Mr. FERGUSON. I do not want to go that far. I want to cover those organizations which are carrying out a Communist foreign government policy or the world Communist movement referred to in section 2 of the Internal Security Act of 1950.

Mr. MORSE. Is not the Communist Party such an organization?

Mr. FERGUSON. No. The Communist Party is the organization that is carrying out the foreign government policy or program. I do not want to go as far as the Senator suggests.

Mr. MORSE. I shall step into the cloakroom to put something on paper.

Mr. DANIEL. Does the Senator from Michigan have his proposal reduced to writing?

Mr. FERGUSON. No; I have not. I have tried to compose it on the floor. If we may have a quorum call, I may be able to write it out and submit it to the Senator from Texas.

Mr. KNOWLAND. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. KNOWLAND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KNOWLAND. Madam President, I ask that the yeas and nays be ordered on the Daniel amendment to the Humphrey amendment, which is in the nature of a substitute for the bill.

The yeas and nays were ordered.

Mr. KNOWLAND. The other amendments will come on the substitute after the Daniel amendment is adopted.

The PRESIDING OFFICER. The yeas and nays have been ordered. The question is on agreeing to the amendment of the Senator from Texas [Mr. DANIEL] to the amendment of the Senator from Minnesota [Mr. HUMPHREY].

Mr. MORSE. Madam President, will the Senator from California yield that I may make an insertion in the RECORD?

Mr. KNOWLAND. I would rather have the vote on the pending amendment first.

Mr. CASE. Madam President, will the Senator yield?

Mr. KNOWLAND. I yield to the Senator from South Dakota.

Mr. CASE. May I have the attention of the Senator from Minnesota for a question? On page 3, line 2, of the Humphrey substitute, the language is as follows:

> Holding that doctrine, its role as the agency of a hostile foreign power renders its existence a continuing threat to the security of the United States.

I am wondering if that preamble or finding of facts really has value or meaning. I suppose it does, but I always wonder about preambles. If that sentence is to be included, should there not be included such language as "clear, present, continuing threat," in view of court decisions?

Mr. KNOWLAND. Madam President, the parliamentary situation is such that after the amendment of the Senator from Texas has been acted upon, the Humphrey substitute will still be open for amendment of the section to which the Senator from South Dakota refers to as a preamble.

All that is done by the Daniel amendment is to add the Butler bill, as modified, to the Humphrey substitute. After action has been taken on the Daniel amendment, the Humphrey substitute will be open to amendment. The Senator from Michigan [Mr. FERGUSON] and the Senator from Oregon [Mr. MORSE] have been working further on the Humphrey substitute, and I understand it is now acceptable to the Senator from Minnesota and will be taken up for consideration following action on the Daniel amendment.

While the Senator from South Dakota is privileged, of course, to ask for consideration of his suggestion now, I simply wish to suggest that the Humphrey substitute will be open for further modification after the vote on the Daniel amendment.

Mr. HUMPHREY. I think the Senator from South Dakota has made a good point, because what he has suggested is a matter of legal doctrine. At the proper time, I shall be glad to accept the modification, but I think the majority leader has correctly outlined the procedure which should now be followed.

Mr. KNOWLAND. Madam President, as I understand, the yeas and nays have been ordered on the Daniel amendment.

Mr. KUCHEL. Madam President, I should like to have the clerk read the text of the Daniel amendment.

Mr. DANIEL. Madam President, I asked unanimous consent, in offering the amendment, that it be printed but not read, because it is so long. It is the entire Butler bill, which has been discussed in the Senate since yesterday, with a few modifications.

Mr. KUCHEL. Does the Senator from Texas mean that the amendments which have been considered and, at least in one instance, adopted will be eliminated if his amendment is agreed to?

Mr. DANIEL. No. As I pointed out earlier in the day, amendments which already have been adopted, including the Ives amendment, are all a part of the Butler bill, which I have now offered as an amendment, with other modifications. In the interest of time, I hope that the junior Senator from California will not ask to have the amendment read in full. I will be glad to explain the modifications. Otherwise, it is the Butler bill which we have been discussing for 2 days.

Mr. KUCHEL. Until a half hour ago, the Committee on Interior and Insular Affairs, of which I am a member, was meeting, and I did not hear the discussion which has taken place on the bill. I desire to be certain of the text of the Senator's amendment. As I understand, the Daniel amendment is merely the Butler bill as modified by the amendment offered by the senior Senator from New York [Mr. IVES] which was agreed to.

Mr. DANIEL. That is substantially correct. The Butler bill with slight modifications, offered as an amendment to the Humphrey substitute.

The PRESIDING OFFICER (Mrs. BOWRING in the chair). The question is on agreeing to the amendment of the Senator from Texas [Mr. DANIEL] to the amendment in the nature of a substitute of the Senator from Minnesota [Mr. HUMPHREY].

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. SALTONSTALL. I announce that the Senator from North Dakota [Mr. LANGER] is absent by leave of the Senate. The Senator from New Hampshire [Mr. BRIDGES], the Senator from Indiana [Mr. CAPEHART], and the Senator from Vermont [Mr. FLANDERS] are necessarily absent.

If present and voting, the Senator from New Hampshire [Mr. BRIDGES], the Senator from Indiana [Mr. CAPEHART], and the Senator from Vermont [Mr. FLANDERS] would each vote "yea."

Mr. CLEMENTS. I announce that the Senator from Mississippi [Mr. EASTLAND], the Senators from North Carolina [Mr. ERVIN and Mr. LENNON], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from West Virginia [Mr. NEELY] are absent on official business.

The Senator from Alabama [Mr. SPARKMAN] is necessarily absent.

I announce further that if present and voting, the Senator from Mississippi [Mr. EASTLAND], the Senators from North Carolina [Mr. ERVIN and Mr. LENNON], and the Senator from West Virginia [Mr. NEELY] would each vote "yea."

The result was announced—yeas 85, nays 1, as follows:

YEAS—85

Aiken	Duff	Johnson, Colo.
Anderson	Dworshak	Johnson, Tex.
Barrett	Ellender	Johnston, S. C.
Beall	Ferguson	Kennedy
Bennett	Frear	Kerr
Bowring	Fulbright	Kilgore
Bricker	George	Knowland
Burke	Gillette	Kuchel
Bush	Goldwater	Long
Butler	Gore	Magnuson
Byrd	Green	Malone
Carlson	Hayden	Mansfield
Case	Hendrickson	Martin
Chavez	Hennings	Maybank
Clements	Hickenlooper	McCarran
Cooper	Hill	McCarthy
Cordon	Holland	McClellan
Crippa	Humphrey	Millikin
Daniel	Ives	Monroney
Dirksen	Jackson	Morse
Douglas	Jenner	Mundt
Murray	Saltonstall	Upton
Pastore	Schoeppel	Watkins
Payne	Smathers	Welker
Potter	Smith, Maine	Wiley
Purtell	Smith, N. J.	Williams
Reynolds	Stennis	Young
Robertson	Symington	
Russell	Thye	

NAYS—1

Lehman

NOT VOTING—10

Bridges	Flanders	Neely
Capehart	Kefauver	Sparkman
Eastland	Langer	
Ervin	Lennon	

So. Mr. DANIEL's amendment to Mr. HUMPHREY's amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. GOLDWATER. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GOLDWATER. Is S. 3706 open to further amendment?

The PRESIDING OFFICER. The original bill is open to perfecting amendments.

Mr. GOLDWATER. Am I to understand that such amendments require unanimous consent?

The PRESIDING OFFICER. Unanimous consent is not required to amend the original bill, but is required to amend the amendment which was just voted on.

Mr. FERGUSON. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FERGUSON. I should like to address a question to the Senator from Minnesota [Mr. HUMPHREY]. Do I correctly understand that the proposal of the Senator from Michigan would not now be in order as an amendment to amendment J by changing the period in line 25, page 3, and adding certain words?

The PRESIDING OFFICER. The Humphrey amendment is open to amendment.

Mr. FERGUSON. That answers the question.

The PRESIDING OFFICER. The amendment to which the Senate has just agreed is not open to further amendment.

Mr. HUMPHREY. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUMPHREY. Is it not true that the pending question before the Senate is the substitute for the bill as originally presented, and that therefore it is open to amendment, as has been suggested by the Senator from Michigan?

The PRESIDING OFFICER. The substitute is open to amendment.

Mr. FERGUSON. Madam President, I send to the desk an amendment to Humphrey substitute J, and I ask that it be stated for the information of the Senate.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 3, line 25, it is proposed to strike the period, insert a comma, and add the following: "or any organization which is substantially directed, dominated, or controlled by the foreign government or foreign

organization controlling the world Communist movement referred to in section 2 of the Internal Security Act of 1950."

Mr. FERGUSON. Madam President, I understand that the Senator from Minnesota is willing to accept that amendment to his substitute, and that he hopes the Senate will agree to it.

The PRESIDING OFFICER. The Chair reminds the Senator that the yeas and nays have been ordered.

Mr. HUMPHREY. Madam President, I accept the amendment to my substitute, and modify it accordingly.

Mr. FERGUSON. Madam President, I send to the desk another amendment to the Humphrey substitute designated "J," and ask that it be stated. It defines membership in the party, and I hope the Senator from Minnesota will accept the amendment to his substitute.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. At the end of the substitute proposed by Mr. HUMPHREY it is proposed to insert the following:

SEC. —. For the purposes of this act in determining whether or not a person is a member of an organization referred to in section 3 hereof the court may take into consideration the connection of such person with such organization as evidenced by his adherence to the discipline of the organization, his acceptance of the purposes of the organization and other incidents of affiliation with the organization with knowledge of such purposes.

Mr. FERGUSON. Madam President, I understand that the Senator has requested unanimous consent——

Mr. HUMPHREY. Madam President, I ask unanimous consent that I may modify my substitute, as amended, in accordance with the amendment of the Senator from Michigan.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HUMPHREY. I thank the Senator from Michigan, the Senator from Oregon, and other Senators who have cooperated in connection with these amendments.

Mr. SMITH of New Jersey. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New Jersey will state it.

Mr. SMITH of New Jersey. I have an amendment which I propose to offer to the original bill, Senate bill 3706. I am not certain where to offer the amendment. Should I offer it to the Daniel amendment to the Humphrey amendment, or to the Humphrey amendment as amended?

Mr. KNOWLAND. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California will state it.

Mr. KNOWLAND. Would not the so-called Daniel amendment, which was the original bill, but which now has been added to the Humphrey substitute, be subject to amendment by unanimous consent, only?

The PRESIDING OFFICER. Yes; by unanimous consent only.

Mr. KNOWLAND. Let me suggest to the distinguished Senator from New Jersey that if he will send his amendment to the desk and have it read for the information of the Senate, and if he will then make an explanation of his amendment, it is possible, as I understand it, that it will be agreeable to the Senator from Maryland, and that the Senate may be willing—in view of the nature of the amendment of the Senator from New Jersey—to have it agreed to, by unanimous consent, as a further amendment to the Daniel amendment, which has previously been agreed to by the Senate as an amendment to the Humphrey substitute.

Mr. SMITH of New Jersey. Then, Madam President, that is what I wish to do.

Mr. HUMPHREY. Madam President, let me state that, according to my understanding, the pending question is on agreeing to the substitute.

The PRESIDING OFFICER. As amended.

Mr. HUMPHREY. That is correct, as amended.

If an amendment is now to be added to the substitute, as amended, I should like very much to have an opportunity at least to read the amendment, because I understand that unanimous consent will be required in this case.

Mr. KNOWLAND. Madam President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. KNOWLAND. The Senator from Minnesota will be fully protected in that connection, because the amendment of the Senator from New Jersey cannot be added at this point, in view of the parliamentary situation, except by unanimous consent. As I understand the explanation which has been given by the Senator from New Jersey, all his amendment will do is apply to employers the same rule which will be applied to labor organizations. After all, that was one of the amendments which it was proposed to have added to the Taft-Hartley Act when it was originally passed.

So if the Senator from New Jersey will permit his amendment to be read at the desk, for the information of the Senate, I doubt that there would be any objection to it.

Mr. HUMPHREY. Madam President, let me say that, so far as I am concerned, I have no objection whatsoever to the amendment of the Senator from New Jersey. I have discussed this matter with other Members of the Senate, and I concede that there is no objection to the amendment.

Mr. SMITH of New Jersey. Madam President, I send my amendment to the desk, and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The LEGISLATIVE CLERK. On page 8, line 5, it is proposed to insert the words "or employer" immediately following the words "labor organization."

On page 8, line 6, it is proposed to insert the words "these terms are", after the word "as."

On page 8, line 7, after the word "amended" and before the parenthesis, it is proposed to insert the words "and which are organizations within the meaning of section 3 of the Subversive Activities Control Act of 1950."

On page 10, it is proposed to insert a new subsection to be lettered (j) immediately preceding section 6, to read as follows:

(j) When there is in effect a final order of the Board determining that any such employer is a Communist-infiltrated organization, such employer shall be ineligible to:

(1) file any petition for an election under section 9 of the National Labor Relations Act, as amended (29 U. S. C. 157), or participate in any proceeding under such section; or

(2) make or obtain any hearing upon, any charge under section 10 of such act (29 U. S. C. 160); or

(3) exercise any other right or privilege or receive any other benefit, substantive or procedural, provided by such act for employers.

The PRESIDING OFFICER. Is there objection to the present consideration of the amendment of the Senator from New Jersey, which is offered as an amendment to the Daniel amendment to the Humphrey substitute as modified and amended.

Mr. SMITH of New Jersey. Madam President, the amendment has been taken up with the Senator from Maryland [Mr. BUTLER]. The amendment simply does what we asked to have done this year, in connection with the Taft-Hartley Act, by applying to employers the same rule which would be applied to labor organizations.

This matter was called to my attention, and I took it up with the Department of Labor. The justice of my amendment is perfectly clear; in other words, the same penalty should apply to Communist infiltration, wherever it may be found—whether among management or employers groups or among labor groups. In any case, either management or labor that is Communist infiltrated should not be allowed to enjoy the privileges of the provisions of the Taft-Hartley Act.

Mr. HUMPHREY. Madam President, I understand that the amendment of the Senator from New Jersey is offered as an amendment to the substitute of the Senator from Texas for my amendment, as modified.

Mr. SMITH of New Jersey. Madam President, I ask unanimous consent that my amendment, which has just been read by the clerk, be agreed to as an amendment to the Daniel substitute, as modified, to the Humphrey amendment, as modified.

The PRESIDING OFFICER. Is there objection?

Mr. DOUGLAS. Madam President, reserving the right to object——

Mr. GOLDWATER. Madam President, I offer the amendment which I send to the desk——

The PRESIDING OFFICER. The Senator from Arizona will wait, please. Is there objection to the unanimous-consent request of the Senator from New Jersey?

Mr. DOUGLAS. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DOUGLAS. I understand that the amendment of the Senator from New Jersey is offered as an amendment to the Humphrey substitute.

The PRESIDING OFFICER. The amendment of the Senator from New Jersey is offered as an amendment to the Daniel amendment to the Humphrey amendment, in the nature of a substitute, as modified.

Mr. BUTLER. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Maryland will state it.

Mr. BUTLER. Do I correctly understand that the pending business is the so-called Butler bill, as proposed to be amended by the Humphrey substitute? If that is so, the amendment of the Senator from New Jersey would be offered to the so-called Butler bill, as amended, when it is amended; is that correct? I simply wish to refresh the recollection of the Senator from Illinois.

Mr. DOUGLAS. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DOUGLAS. What is the pending question?

The PRESIDING OFFICER. The pending question is, Is there objection to the unanimous-consent request of the Senator from New Jersey?

Mr. DOUGLAS. And, Madam President, what is the pending unanimous-consent request of the Senator from New Jersey?

The PRESIDING OFFICER. To agree to the amendment of the Senator from New Jersey, which is offered to the Daniel substitute amendment, as modified, and as agreed to by the Senate, to the Humphrey substitute, as modified.

Is there objection? Without objection, the amendment of the Senator from New Jersey to the amendment to the Humphrey substitute is agreed to.

Mr. GOLDWATER. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arizona will state it.

Mr. GOLDWATER. Is the Daniel version of the Butler bill open to amendment, by unanimous consent?

The PRESIDING OFFICER. By unanimous consent only.

Mr. GOLDWATER. Then I ask unanimous consent that the amendment which I now send to the desk, and ask to have read, be considered as an amendment to the Daniel amendment to the Humphrey substitute.

Mr. KNOWLAND. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California will state it.

Mr. KNOWLAND. Has the amendment of the Senator from New Jersey [Mr. SMITH] to the Daniel amendment to the Humphrey substitute been agreed to by unanimous consent?

The PRESIDING OFFICER. That is correct.

Mr. GOLDWATER. Madam President, I now send my amendment to the desk, and ask that it be read.

The PRESIDING OFFICER. The amendment will be read, for the information of the Senate.

The LEGISLATIVE CLERK. On page 4, in line 20, it is proposed to strike out all after the word "organization", through line 25, and to insert in lieu thereof the following: "Upon removing from the organization those persons determined by this section to be Communists."

Mr. DOUGLAS. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DOUGLAS. Do I correctly understand that the amendment of the Senator from Arizona is offered as an amendment to the Daniel amendment to the Humphrey substitute, as modified and amended, and is not offered to the original Butler bill?

Mr. GOLDWATER. Madam President, let me say that my amendment is offered to the Daniel version of the Butler bill. The Humphrey substitute has not yet been voted on.

Mr. DOUGLAS. Madam President, I submit that the Butler bill is not now before us. [Laughter.]

Mr. KNOWLAND. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California will state it.

Mr. KNOWLAND. Madam President, we have had a little facetiousness on the floor; but is it not a fact that when the Humphrey substitute, as modified by the Daniel amendment as modified, and as amended by such other amendments as may be voted by the Senate, is finally acted upon, it will be voted into the pending bill, which is Senate bill 3706; and that the bill the Senate will act on, on the question of final passage, will be Senate bill 3706, as thus amended?

The PRESIDING OFFICER. That is correct.

Mr. GOLDWATER. Madam President, I should like to explain, very briefly, my amendment.

Under the bill as it is now written, a Communist-infiltrated labor organization or, as the substitute now reads, any Communist-infiltrated organization, would be penalized by not being permitted to appeal, until 1 year from the date of the Board's order, such an order holding the organization to be Communist infiltrated.

Under the original bill I introduced, a labor organization or any organization could purge itself of those members who are Communists and could come back into the good graces of the NLRB. I think this bill, unless we include the language I suggest, would work an undue hardship and would put an undue penalty upon organizations.

I ask the author of the bill if he will not accept this amendment because of the fairness of it.

Mr. DOUGLAS. Madam President, a parliamentary inquiry. I suggest that the Senator from Arizona address his inquiry to the Senator from Texas [Mr. DANIEL] and not to the Senator from Maryland [Mr. BUTLER], because I submit that nothing submitted by the Senator from Maryland is now before this body.

Mr. GOLDWATER. Madam President, if it will make the Senator from Illinois happy, I shall be glad to address the question to the Senator from Texas.

Will the Senator from Texas entertain this inquiry?

Mr. DANIEL. As I understand the situation, Madam President, my amendment has been adopted, and there is now before the Senate the Humphrey substitute, as amended. Any amendment would have to be by unanimous consent.

Mr. GOLDWATER. That is correct. I am asking unanimous consent.

Mr. HUMPHREY. Will the Senator permit me to ask the Senator from Arizona a question? Madam President, will the Senator from Arizona be kind enough to give us the benefit of his description and analysis of his amendment? He discussed it with me yesterday, and I believe he has a very worthy amendment, but I do not believe we all understand what it is about. Will the Senator explain it again?

Mr. GOLDWATER. Yes.

Under the original bill on this subject which I introduced last January, I had a provision that an organization which had been determined to be Communist-dominated could purge itself of those members, and the organization would immediately come back under the jurisdiction of the NLRB.

Now other organizations have been added, and they would come back into the good graces of whatever organization they might be at odds with. The present language reads:

> No such petition may be filed until 1 year has passed after the order determining such organization to be a Communist-infiltrated organization has become final. No organization may file a petition under this subsection oftener than once each calendar year.

In other words, if it is determined that "X" union or "X" company is Communist-dominated, and they say, "We did not know that. We will get rid of them. We will fire them right away," we then penalize that union or company by making it wait 1 year before they can come under the jurisdiction of the NLRB.

Mr. KENNEDY. Is it not a fact that, as the Senator from Maryland pointed out last night, they are able by a petition of 20 percent of their members to regain their rights under the National Labor Relations Act? The 1-year period pertains to removing the stigma of being a Communist organization, but by a petition of 20 percent of their members, they can regain their rights under the National Labor Relations Act.

Mr. GOLDWATER. That is correct. If the Senate is worried about union-busting clauses, this is union-busting language.

Mr. HUMPHREY. As it is in the bill.

Mr. GOLDWATER. As it is now. I should like to strike that language so as to give the unions, and now the companies, a fair chance to get back into the good graces of the Government agencies.

Mr. DANIEL. Madam President, after hearing the explanation, I have no objection to the amendment.

Mr. KENNEDY. Reserving the right to object, as I understand the present language of the amendment of the Senator from Texas, the union, provided 20 percent of its members sign a petition, can have its rights under the National Labor Relations Act restored. Under the 1-year provision which the Senator is now discussing, it still will bear the stigma for a year, but its rights under the National Labor Relations Act can be

granted to it if a petition is signed by 20 percent of its members.

Mr. GOLDWATER. As I understand the language, it could petition by having 20 percent of its membership sign a petition. Let us say it is a CIO union. It could not petition under the CIO. It would have to petition as the A. F. of L. or as a company union.

As this language is written, it could be utilized for union-busting. When a union purges itself voluntarily, or a company purges itself voluntarily, I think it is fairer to recognize the goodness in that act and let it come back immediately into the fold of whatever company or union is concerned.

Mr. FERGUSON. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. PURTELL in the chair). Does the Senator from Arizona yield to the Senator from Michigan?

Mr. GOLDWATER. I yield.

Mr. FERGUSON. As one of the authors, I think we should accept this particular amendment.

Mr. HUMPHREY. As the sponsor of the proposal before the Senate, I think the Senator from Arizona has made a contribution that is very desirable. He discussed it with me yesterday when we were talking about the Butler bill in general terms. I have no objection.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from Arizona [Mr. GOLDWATER]?

Mr. BUTLER. Mr. President, to make it unanimous, I should like very much to associate myself with the sponsors of this amendment.

The PRESIDING OFFICER. Is there objection?

SEVERAL SENATORS. Vote! Vote!

Mr. COOPER. Mr. President——

Mr. CASE. Mr. President——

Mr. COOPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOPER. Is it possible now to offer an amendment to the bill as amended?

The PRESIDING OFFICER. As soon as the pending question is disposed of.

Mr. COOPER. By unanimous consent, would it be possible to offer an amendment?

The PRESIDING OFFICER. There is pending an amendment by the Senator from Arizona which, in the opinion of the Chair, can be disposed of very quickly, after which other amendments will be entertained.

The question is, Is there objection to the request of the Senator from Arizona [Mr. GOLDWATER]? The Chair hears none and the question is on agreeing to the amendment of the Senator from Arizona to the amendment offered by the Senator from Texas [Mr. DANIEL] for himself and other Senators.

The amendment to the amendment was agreed to.

Mr. COOPER. Mr. President, I wish to offer an amendment. First, may I address a question to the distinguished Senator from Minnesota?

Mr. HUMPHREY. I am listening.

Mr. COOPER. I refer to section 3 of his amendment. Will the Senator state whether section 3 of his amendment requires any overt act by a person against whom the amendment is directed, as a condition to punishment?

Mr. HUMPHREY. The language is quite plain. Of course, it is predicated as set forth in section 2, upon the findings of fact, which findings of fact already label the Communist Party as a conspiratorial force dedicated to the overthrow of the Government of the United States. Therefore, section 3 provides that whoever knowingly or willfully becomes and remains a member and has knowledge of the purposes and the objectives of such organization, ipso facto automatically becomes subject to the penalties.

Mr. COOPER. I know that in his career in the Senate and in his speeches the Senator has always been very strongly against infringements of liberty, personal freedom, and all that. I should like to ask him this question: Does he know whether or not the Congress has ever passed a bill which proscribed free speech, although there are certain limitations, which a court can place upon it? Has Congress ever passed a bill which proscribed free speech?

Mr. HUMPHREY. This is not directed toward free speech. This is directed toward membership in a conspiratorial organization.

The point of the Humphrey substitute is membership in a political organization, whether it be the Communist Party or not, which has as its express purposes, as I have listed them here, the control, conduct, or overthrow of the Government of the United States by the use of force and violence. That is what is proscribed in this amendment. I have gone into this matter on the point of what we call civil liberties. The truth is that this legislation is not an infringement upon civil liberties. We are not infringing upon civil liberties. We are protecting civil liberties.

Mr. COOPER. Does the Senator believe that in any way this section is designed to penalize the thinking of an individual?

Mr. HUMPHREY. I do not consider this amendment as one that penalizes the thinking of an individual at all. How one thinks is entirely his own business. But if he maintains membership in an organization, and maintains it knowingly and willingly, and becomes and remains a member of an organization which has as its objective the overthrow of the Government of the United States, and he does this with knowledge of the purposes of the organization, then he is subject to the penalty.

Mr. COOPER. Of course, the Board or court with jurisdiction would have to determine what the accused was thinking. To emphasize this point, I ask the Senator if his substitute provides that the commission of an overt act by the accused as a condition precedent to conviction or imposition of a penalty under section 3?

Mr. HUMPHREY. Yes. In response to the Senator's question let me say that once we have adopted the findings of fact, in which Congress finds that the Communist Party of the United States is an instrumentality of a conspiracy to overthrow the Government of the United States, and that membership in the Communist Party is an overt act. That membership is an overt act subject to penalty, if a person knowingly is a member of such an organization.

Mr. COOPER. Mr. President, I offer my amendment.

Mr. HUMPHREY. Mr. President, reserving my right to object——

The PRESIDING OFFICER (Mr. PURTELL in the chair). The Chair informs the Senator from Minnesota that the amendment is in order.

Mr. HUMPHREY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUMPHREY. The Chair has been ruling that amendments are not in order.

The PRESIDING OFFICER. The Chair informs the Senator from Minnesota that the amendment is being offered to the substitute, not to the Daniel amendment.

Mr. HUMPHREY. The Daniel amendment is no longer before the Senate. The amendment before the Senate is the substitute.

The PRESIDING OFFICER. The Senate has passed on the Daniel amendment, and it requires unanimous consent therefore to offer an amendment to that part of the pending substitute amendment. The remaining part of the pending substitute on which the Senate has not yet acted, is open to amendment.

Mr. HUMPHREY. Very well. I always respect the rulings of the Chair, except on unusual occasions.

The PRESIDING OFFICER. The Chair hopes the Senator from Minnesota will agree that this is not an unusual occasion.

The Senator from Kentucky will send his amendment to the desk.

Mr. COOPER. I have not reduced it to writing. I will state the amendment orally. I ask that there be inserted in section 3, on page 3, line 17, after the word "organization", the following words, "and commit any act designed to carry into effect the purposes of such Communist Party or organization", and move the adoption of the amendment.

The PRESIDING OFFICER. The Secretary will state the amendment.

The LEGISLATIVE CLERK. On page 3, line 17, after the word "organization", it is proposed to insert the words: "and commit any act designed to carry into effect the purposes of such Communist Party or organization."

Mr. COOPER. Mr. President, I will explain briefly the purposes of my amendment. In the first place, let me say that I do not think it proper to attempt to legislate on a very important and difficult subject as is presented by the substitute of the Senator from Minnesota without proper consideration by committee. His substitute has not been considered by a committee of the Senate.

We are dealing with a subject that is complex and far-reaching in its constitutional implications. The original

bill of the distinguished Senator from Maryland, Senator BUTLER, is very complex itself. Only this morning we were trying to reach the subject and cure Communist-infiltrated unions without writing language which would create the possibility of injuring loyal unions. That itself is a very difficult question.

Every patriotic sentiment and impulse moves us when we consider the substitute which has been offered by the Senator from Minnesota today, and we are moved to support it because every Member of the Senate is conscious of the dangers of communism and of the Communist conspiracy. At the same time, we must know that we are proposing action which the Congress has not heretofore considered or taken. There are grave constitutional questions involved in the substitute. We know, speaking quite frankly, that it is difficult to consider objectively this bill because of the political atmosphere and implications. It presents difficult questions for every one of us, because a vote against an amendment like this subjects one to the criticism of many good-intentioned and patriotic people all over the country. Yet I am certain that in the heart and mind of every one of us we know that there are grave questions involved concerning the constitutionality of such a measure, with respect to the precedents involved, and the traditions thus far followed by our Government.

I believe I am correct in saying that heretofore the Congress and the courts have proceeded upon the theory that what a man says—within certain limitations of public policy determined by the courts—his right of free speech and of free expression is a right protected by the first amendment to the Constitution.

One does not speak, does not express himself without thought, without thinking. The courts have certainly held that what a man thinks is protected; is not a subject of limitation, of penalty, or conviction by a court. Surely no one will question that statement or the right and principle involved. Thinking, adherence to belief, has never been a crime unless translated into action. I asked the distinguished Senator whether his amendment carried with it the traditional and legal requirement that some act must be committed before a man can be penalized criminally—because that is what it amounts to—and the Senator told me that it is the intention of his amendment to so require.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. COOPER. It is not so stated in section 3. If it is his intention to so provide it can only be read into section 3 from the preamble. The preamble is a declaration by Congress. We all agree with the findings of the preamble. But I do not agree with the Senator that his substitute requires any act to penalize an accused. I have offered my amendment to bring his substitute into line with the decisions of the Supreme Court, with the philosophy and thinking of the great leaders of our country throughout the years and with our best traditions.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. HUMPHREY. First of all I should like to say to the Senator from Kentucky that I have the greatest respect and admiration for his dedication to civil rights and civil liberties.

Mr. COOPER. I would rather be dedicated to the Constitution, which protects civil rights and liberties.

Mr. HUMPHREY. And to the Constitution. My answer to the Senator's question was that an overt act is membership in an organization, which membership must have been obtained by some overt act; therefore, membership in an organization that is proscribed as a subversive and conspiratorial organization is an overt act, particularly when every Member of the Senate knows that the Communist Party is not an independent political party in the normal sense of American political parties, but is controlled and disciplined and managed from abroad, and its leadership takes orders and follows the discipline of the leadership abroad.

All I am saying is that membership is considered, under the terms of this proposal, as an overt act. That is the legal background of what I am proposing.

Mr. COOPER. Mr. President, I will say to the Senator that I accept what he has said as his intention and belief that section 3 contemplates the preamble and the findings of fact, and that he believes the preamble and findings of fact imply an act precedent to conviction or penalty. The Senator's statement, as the author of the amendment, is in my view the only basis upon which the court would so interpret it. If the Senator so intends, then my amendment makes perfectly clear and sure his intention. The fundamental issue is before us, whether the Senate is prepared at this time on the basis of this quickly contrived substitute without any real consideration, to depart from our precedents and principles held since the adoption of the Constitution. My amendment will prevent such hasty action.

Mr. LONG. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. LONG. I will say to the Senator from Kentucky that there are crimes of omission and crimes of commission. A crime of omission may be the failure of an individual to file an income-tax return. He can be put into jail for that reason. If a person is a member of a Communist organization intent upon destroying or overthrowing this country, it would be his duty to quit the organization and break away from any group that would seek to undermine this country. For that reason I prefer to vote for a bill which would make it a crime of omission for a person to fail to quit membership in a Communist organization. For that reason, I shall vote against the Senator's amendment.

Mr. COOPER. Mr. President, the words "overt act" are, I believe, in a legal sense "words of art." They contemplate the actual commission or omission of an act or a course of action taken by an individual in this field.

Mr. MORSE. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. MORSE. I should like to have the attention of the Senator from Louisiana [Mr. LONG]. It is true, is it not, that the Senator from Kentucky has not used the so-called word of legal art "overt"? The amendment uses the language "commit any act designed to carry into effect the purpose of such Communist Party or organization." I think that clearly covers what the Senator from Louisiana has in mind, and I think it is a perfectly acceptable amendment.

Mr. COOPER. If the word "overt" is in my amendment I withdraw the word "overt."

Mr. HUMPHREY. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. HUMPHREY. Mr. President, I think much of this amendment was covered under the definition of "membership," which the Senator from Michigan [Mr. FERGUSON] submitted some time ago, and I believe it would be a desirable addition to the bill. I appreciate the very deep sincerity of purpose which the Senator from Kentucky expresses in trying to pinpoint exactly what we mean by an act designed to carry into effect the purposes of an organization. I have no objection. I would be more than happy to accept the amendment.

Mr. LEHMAN. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. LEHMAN. Mr. President, I feel that the Senator from Kentucky has made a real contribution. I feel that, following the suggestion of the Senator from Oregon, I shall be glad to support the amendment.

Mr. CASE. Mr. President——

The PRESIDING OFFICER. The Chair recognizes the Senator from South Dakota [Mr. CASE].

Mr. CASE. Mr. President, the question involved in the amendment proposed by the Senator from Kentucky is, I think, a real problem which I wish to meet, to a degree, by the suggestion I made a little while ago with reference to the decisions under the Smith Act which have held that if a man belongs to a conspiratorial organization, that constitutes an act. That is what the decisions amount to. That is why I was hoping that the Senator from Minnesota would modify his amendment to conform to the holding of Judge Hand, or some other recognized jurist, who used the phrase "clear and present danger."

Mr. HUMPHREY. Where should that language be inserted?

Mr. CASE. I think it should be inserted in line 3, on page 3, where the language now reads "continuing threat." By substituting the words "continuing clear and present danger" it would be brought within the holdings of the courts on this particular issue.

Mr. HUMPHREY. Mr. President, as the sponsor of this amendment, I am more than happy to accept that modification.

Mr. CASE. Mr. President, I should like to be recognized, following the action on the amendment offered by the

Senator from Kentucky, and then I should like to ask that this modification be made.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky [Mr. COOPER], as modified, to the amendment in the nature of a substitute offered by the Senator from Minnesota [Mr. HUMPHREY] for himself and other Senators.

The amendment, as modified, was agreed to.

Mr. CASE. Mr. President, I should like to suggest that the Senator from Minnesota modify the sentence appearing on line 2, page 3, which now reads:

Holding that doctrine, its role as the agency of a hostile foreign power renders its existence a continuing threat to the security of the United States.

And that, instead of the words "continuing threat." it read "a clear, present, and continuing danger."

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I may accept that modification. I think it is helpful.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, will the Senator from South Dakota yield?

Mr. CASE. I yield.

Mr. MAGNUSON. Mr. President, the suggestion which I am about to make may not be necessary, but I have had a personal legal experience in which I found it to be necessary. I am sure the Senator from Minnesota can have no objection to it.

On page 3, line 10, where the language now reads, "knowingly and willfully," I would add the word "intentionally", because there are many cases where the word "willfully" is vague as to intent, although, in the main, "willfully" means "with intent."

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the modification which has been suggested by the Senator from Washington may be accepted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment offered by the Senator from Minnesota [Mr. HUMPHREY] and other Senators, as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. SALTONSTALL. I announce that the senior Senator from North Dakota [Mr. LANGER] is absent by leave of the Senate.

The Senator from New Hampshire [Mr. BRIDGES], the Senator from Indiana [Mr. CAPEHART], the Senator from Vermont [Mr. FLANDERS], and the junior Senator from North Dakota [Mr. YOUNG], are necessarily absent.

If present and voting, the Senator from New Hampshire [Mr. BRIDGES], the Senator from Indiana [Mr. CAPEHART], the Senator from Vermont [Mr. FLANDERS], and the junior Senator from North Dakota [Mr. YOUNG], would each vote "yea."

Mr. CLEMENTS. I announce that the Senator from Mississippi [Mr. EASTLAND], the Senators from North Carolina [Mr. ERVIN and Mr. LENNON], the Senator from Tennessee [Mr. KEFAUVER], the Senators from West Virginia [Mr. KILGORE and Mr. NEELY], are absent on official business.

The Senator from Alabama [Mr. SPARKMAN] is necessarily absent.

I announce further that if present and voting, the Senator from Mississippi [Mr. EASTLAND], the Senators from North Carolina [Mr. ERVIN and Mr. LENNON], and the Senators from West Virginia [Mr. KILGORE and Mr. NEELY] would each vote "yea."

The result was announced—yeas 84, nays 0, as follows:

YEAS—84

Aiken	Gillette	McCarran
Anderson	Goldwater	McCarthy
Barrett	Gore	McClellan
Beall	Green	Millikin
Bennett	Hayden	Monroney
Bowring	Hendrickson	Morse
Bricker	Hennings	Mundt
Burke	Hickenlooper	Murray
Bush	Hill	Pastore
Butler	Holland	Payne
Byrd	Humphrey	Potter
Carlson	Ives	Purtell
Case	Jackson	Reynolds
Chavez	Jenner	Robertson
Clements	Johnson, Colo.	Russell
Cooper	Johnson, Tex.	Saltonstall
Cordon	Johnston, S. C.	Schoeppel
Crippa	Kennedy	Smathers
Daniel	Kerr	Smith, Maine
Dirksen	Knowland	Smith, N. J.
Douglas	Kuchel	Stennis
Duff	Lehman	Symington
Dworshak	Long	Thye
Ellender	Magnuson	Upton
Ferguson	Malone	Watkins
Frear	Mansfield	Welker
Fulbright	Martin	Wiley
George	Maybank	Williams

NOT VOTING—12

Bridges	Flanders	Lennon
Capehart	Kefauver	Neely
Eastland	Kilgore	Sparkman
Ervin	Langer	Young

So Mr. HUMPHREY's amendment, as amended and modified, was agreed to.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOUGLAS. Are we now voting on the Humphrey-Daniel substitute for the original Butler bill?

The PRESIDING OFFICER. The Chair informs the Senator that the question before the Senate is on the passage of the so-called Butler bill, as modified by the Humphrey substitute as amended and modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SALTONSTALL. I announce that the senior Senator from North Dakota [Mr. LANGER] is absent by leave of the Senate.

The Senator from New Hampshire [Mr. BRIDGES], the Senator from Indiana [Mr. CAPEHART], the Senator from Vermont [Mr. FLANDERS], and the junior Senator from North Dakota [Mr. YOUNG] are necessarily absent.

If present and voting, the Senator from New Hampshire [Mr. BRIDGES], the Senator from Indiana [Mr. CAPEHART], the Senator from Vermont [Mr. FLANDERS], and the junior Senator from North Dakota [Mr. YOUNG] would each vote "yea."

Mr. CLEMENTS. I announce that the Senator from Mississippi [Mr. EASTLAND], the Senators from North Carolina [Mr. ERVIN and Mr. LENNON], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from West Virginia [Mr. NEELY] are absent on official business.

The Senator from Alabama [Mr. SPARKMAN] is necessarily absent.

I announce further that if present and voting, the Senator from Mississippi [Mr. EASTLAND], the Senators from North Carolina [Mr. ERVIN and Mr. LENNON], and the Senator from West Virginia [Mr. NEELY] would each vote "yea."

The result was announced—yeas 85, nays 0, as follows:

YEAS—85

Aiken	Goldwater	McCarthy
Anderson	Gore	McClellan
Barrett	Green	Millikin
Beall	Hayden	Monroney
Bennett	Hendrickson	Morse
Bowring	Hennings	Mundt
Bricker	Hickenlooper	Murray
Burke	Hill	Pastore
Bush	Holland	Payne
Butler	Humphrey	Potter
Byrd	Ives	Purtell
Carlson	Jackson	Reynolds
Case	Jenner	Robertson
Chavez	Johnson, Colo.	Russell
Clements	Johnson, Tex.	Saltonstall
Cooper	Johnston, S. C.	Schoeppel
Cordon	Kennedy	Smathers
Crippa	Kerr	Smith, Maine
Daniel	Kilgore	Smith, N. J.
Dirksen	Knowland	Stennis
Douglas	Kuchel	Symington
Duff	Lehman	Thye
Dworshak	Long	Upton
Ellender	Magnuson	Watkins
Ferguson	Malone	Welker
Frear	Mansfield	Wiley
Fulbright	Martin	Williams
George	Maybank	
Gillette	McCarran	

NOT VOTING—11

Bridges	Flanders	Neely
Capehart	Kefauver	Sparkman
Eastland	Langer	Young
Ervin	Lennon	

So the bill (S. 3706) was passed.

The title was amended so as to read: "A bill to outlaw the Communist Party, to prohibit members of Communist organizations from serving in certain representative capacities, and for other purposes."

Mr. FERGUSON. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. KNOWLAND. Mr. President, I move to lay on the table the motion of the Senator from Michigan.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California to lay on the table the motion of the Senator from Michigan.

The motion to lay on the table was agreed to.

Mr. KNOWLAND. Mr. President, I ask unanimous consent that there be printed at the proper place in the RECORD the bill in its final form.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The bill S. 3706, as passed, is as follows:)

Be it enacted, etc., That this act may be cited as the "Communist Control Act of 1954."

FINDINGS OF FACT

SEC. 2. The Congress hereby finds and declares that the Communist Party of the United States, although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the Government of the United States. It constitutes an

authorization dictatorship withi na republic, demanding for itself the rights and privileges accorded to other political parties, but denying to all others the liberties guaranteed by the Constitution. Unlike other political parties, which evolve their policies and programs through public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs to the electorate at large for approval or disapproval, the policies and programs of the Communist Party are secretly prescribed for it by the foreign leaders of the world Communist movement. Its members have no part in determining its goals, and are not permitted to voice dissent to party objectives. Unlike members of other parties, members of the Communist Party are recruited for indoctrination with respect to its objectives and methods, and are organized, instructed, and disciplined to carry into action slavishly the assignments given them by their hierarchical chieftains. Unlike other political parties, the Communist Party acknowledges no constitutional or statutory limitations upon its conduct or upon that of its members. The Communist Party is relatively small numerically, and gives scant indication of capacity ever to attain its ends by lawful political means. The peril inherent in its operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its activities, and its dedication to the proposition that the present constitutional Government of the United States ultimately must be brought to ruin by any available means, including resort to force and violence. Holding that doctrine, its role as the agency of a hostile foreign power renders its existence a clear, present, and continuing danger to the security of the United States. It is the means whereby individuals are seduced into the service of the world Communist movement, trained to do its bidding, and directed and controlled in the conspiratorial performance of their revolutionary services.

PROSCRIBED ORGANIZATIONS

SEC. 3. (a) Whoever knowingly, willfully, and intentionally becomes or remains a member of (1) the Communist Party, or (2) any other organization having for one of its purposes or objectives the establishment, control, conduct, seizure, or overthrow of the Government of the United States, or the government of any State or political subdivision thereof, by the use of force or violence, with knowledge of the purpose or objective of such organization, and commit any act designed to carry into effect the purposes of such Communist Party organization shall upon conviction be punished as provided by the penalty provisions of section 15 of the Subversive Activities Control Act of 1950 (50 U. S. C. 794).

(b) For the purposes of this section, the term "Communist Party" means the organization now known as the Communist Party of the United States of America, the Communist Party of any State or subdivision thereof, and any unit or subdivision of any such organization, whether or not any change is hereafter made in the name thereof, or any organization which is substantially directed, dominated, or controlled by the foreign government or foreign organization controlling the world Communist movement referred to in section 2 of the Internal Security Act of 1950.

SUBVERSIVE ACTIVITIES CONTROL ACT AMENDMENT

SEC. 4. Subsection 5 (a) (1) of the Subversive Activities Control Act of 1950 (50 U. S. C. 784) is amended by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: "or

"(E) to hold office or employment with any labor organization, as that term is defined in section 2 (5) of the National Labor Relations Act (29 U. S. C. 152) or to represent any employer in any matter or proceeding arising or pending under that Act."

SEC. 5. For the purposes of this Act in determining whether or not a person is a member of an organization referred to in section 3 hereof, the court may take into consideration the connection of such person with such organization as evidenced by his adherence to the discipline of the organization, his acceptance of the purposes of the organization, and other such incidents of affiliation with the organization with knowledge of such purposes.

COMMUNIST-INFILTRATED ORGANIZATIONS

SEC. 6. (a) Section 3 of the Subversive Activities Control Act of 1950 (50 U. S. C. 782) is amended by inserting, immediately after paragraph (4) thereof, the following new paragraph:

"(4A) The term 'Communist-infiltrated organization' means any organization in the United States (other than a Communist-action organization or a Communist-front organization) which (A) is substantially directed, dominated, or controlled by an individual or individuals who are, or who within 3 years have been actively engaged in, knowingly giving aid or support to a Communist-action organization, a Communist foreign government, or the world Communist movement referred to in section 2 of this title, and (B) is knowingly serving, or within 3 years has knowingly served, as a means for (i) the giving of aid or support to any such organization, government, or movement, or (ii) the impairment of the military strength of the United States or its industrial capacity to furnish logistical or other material support required by its Armed Forces: *Provided, hoiwever,* That any labor organization which is an affiliate in good standing of a national federation or other labor organization whose policies and activities have been directed to opposing Communist organizations, any Communist foreign government, or the World Communist Movement, shall be presumed prima facie not to be a 'Communist-infiltrated organization'."

(b) Paragraph (5) of such section is amended to read as follows:

"(5) The term 'Communist organization' means any Communist-action organization, Communist-front organization, or Communist-infiltrated organization."

(c) Subsections 5 (c) and 6 (c) of such Act are repealed.

SEC. 7. (a) Section 10 of such Act (50 U. S. C. 789) is amended by inserting, immediately after the words "final order of the Board requiring it to register under section 7", the words "or determining that it is a Communist-infiltrated organization".

(b) Subsections (a) and (b) of section 11 of such Act (50 U. S. C. 790) are amended by inserting immediately preceding the period at the end of each such subsection, the following: "or determining that it is a Communist-infiltrated organization".

SEC. 8. (a) Subsection 12 (e) of such Act (50 U. S. C. 791) is amended by—

(1) striking out the period at the end thereof and inserting in lieu thereof a semicolon and the word "and"; and

(2) inserting at the end thereof the following new paragraph:

"(3) upon any application made under subsection (a) or subsection (b) of section 13A of this title, to determine whether any organization is a Communist-infiltrated organization."

(b) The section caption to section 13 of such Act (50 U. S. C. 792) is amended to read as follows: "REGISTRATION PROCEEDINGS BEFORE THE BOARD."

SEC. 9. Such Act is amended by inserting, immediately after section 13 thereof, the following new section:

"PROCEEDINGS WITH RESPECT TO COMMUNIST-INFILTRATED ORGANIZATIONS

"SEC. 13A. (a) Whenever the Attorney General has reason to believe that any organization is a Communist-infiltrated organization, he may file with the Board and serve upon such organization a petition for a determination that such organization is a Communist-infiltrated organization. In any proceeding so instituted, two or more affiliated organizations may be named as joint respondents. Whenever any such petition is accompanied by a certificate of the Attorney General to the effect that the proceeding so instituted is one of exceptional public importance, such proceeding shall be set for hearing at the earliest possible time and all proceedings therein before the Board or any court shall be expedited to the greatest practicable extent.

"(b) Any organization which has been determined under this section to be a Communist-infiltrated organization may file with the Board and serve upon the Attorney General a petition for a determination that such organization no longer is a Communist-infiltrated organization upon removing from the organization those persons determined by this section to be Communists.

"(c) Each such petition shall be verified under oath, and shall contain a statement of the facts relied upon in support thereof. Upon the filing of any such petition, the Board shall serve upon each party to such proceeding a notice specifying the time and place for hearing upon such petition. No such hearing shall be conducted within 20 days after the service of such notice.

"(d) The provisions of subsections (c) and (d) of section 13 shall apply to hearings conducted under this section, except that upon the failure of any organization named as a party in any petition filed by or duly served upon it pursuant to this section to appear at any hearing upon such petition, the Board may conduct such hearing in the absence of such organization and may enter such order under this section as the Board shall determine to be warranted by evidence presented at such hearing.

"(e) In determining whether any organization is a Communist-infiltrated organization, the Board shall be required to determine—

"(1) whether the effective management of the affairs of such organization is conducted by one or more individuals who are, or within 2 years have been, (A) members, agents, or representatives of any Communist organization, any Communist foreign government, or the world Communist movement referred to in section 2 of this title, with knowledge of the nature and purpose thereof, or (B) engaged in giving aid or support to any such organization, government, or movement with knowledge of the nature and purpose thereof;

"(2) whether the policies of such organization are, or within 3 years have been, formulated and carried out pursuant to the direction or advice of any member, agent, or representative of any such organization, government, or movement;

"(3) whether the personnel and resources of such organization are, or within 3 years have been, used to further or promote the objectives of any such Communist organization, government, or movement;

"(4) whether such organization within 3 years has received from, or furnished to or for the use of, any such Communist organization, government, or movement any funds or other material assistance;

"(5) whether such organization is, or within 3 years has been, affiliated in any other way with any such Communist organization, government, or movement;

"(6) whether the affiliation of such organization, or of any individual or individuals

who are members thereof or who manage its affairs, with any such Communist organization, government, or movement is concealed from or is not disclosed to the membership of such organization; and

"(7) whether such organization or any of its members or managers are, or within 3 years have been, knowingly engaged—

"(A) in any conduct punishable under section 4 or 15 of this act or under chapter 37, 105, or 115 of title 18 of the United States Code; or

"(B) with intent to impair the military strength of the United States or its industrial capacity to furnish logistical or other support required by its Armed Forces, in any activity resulting in or contributing to any such impairment.

"(f) After hearing upon any petition filed under this section, the Board shall (1) make a report in writing in which it shall state its findings as to the facts and its conclusions with respect to the issues presented by such petition, (2) enter its order granting or denying the determination sought by such petition, and (3) serve upon each party to the proceeding a copy of such order. Any order granting any determination on the question whether any organization is a Communist-infiltrated organization shall become final as provided in section 14 (b) of this act.

"(g) When any order has been entered by the Board under this section with respect to any labor organization or employer (as these terms are defined by section 2 of the National Labor Relations Act, as amended, and which are organizations within the meaning of section 3 of the Subversive Activities Control Act of 1950), the Board shall serve a true and correct copy of such order upon the National Labor Relations Board and shall publish in the Federal Register a statement of the substance of such order and its effective date.

"(h) When there is in effect a final order of the Board determining that any such labor organization is a Communist-action organization, a Communist-front organization, or a Communist-infiltrated organization, such labor organization shall be ineligible to—

"(1) act as representative of any employee within the meaning or for the purposes of section 7 of the National Labor Relations Act, as amended (29 U. S. C. 157);

"(2) serve as an exclusive representative of employees of any bargaining unit under section 9 of such act, as amended (29 U. S. C. 159);

"(3) make, or obtain any hearing upon, any charge under section 10 of such act (29 U. S. C. 160); or

"(4) exercise any other right or privilege, or receive any other benefit, substantive or procedural, provided by such act for labor organizations.

"(i) When an order of the Board determining that any such labor organization is a Communist-infiltrated organization has become final, and such labor organization theretofore has been certified under the National Labor Relations Act, as amended, as a representative of employees in any bargaining unit—

"(1) a question of representation affecting commerce, within the meaning of section 9 (c) of such act, shall be deemed to exist with respect to such bargaining unit; and

"(2) the National Labor Relations Board, upon petition of not less than 20 percent of the employees in such bargaining unit or any person or persons acting in their behalf, shall under section 9 of such act (notwithstanding any limitations of time contained therein) direct elections in such bargaining unit or any subdivision thereof (A) for the selection of a representative thereof for collective bargaining purposes, and (B) to determine whether the employees thereof desire to rescind any authority previously granted to such labor organization to enter into any agreement with their employer pursuant to section 8 (a) (3) (ii) of such act.

"(j) When there is in effect a final order of the Board determining that any such employer is a Communist-infiltrated organization, such employer shall be ineligible to—

"(1) file any petition for an election under section 9 of the National Labor Relations Act, as amended (29 U. S. C. 157), or participate in any proceeding under such section; or

"(2) make or obtain any hearing upon any charge under section 10 of such act (29 U. S. C. 160); or

"(3) exercise any other right or privilege or receive any other benefit, substantive or procedural, provided by such act for employers."

SEC. 9. Subsections (a) and (b) of section 14 of such act (50 U. S. C. 793) are amended by inserting in each such subsection, immediately after the words "section 13", a comma and the following: "or subsection (f) of section 13A,".

SEC. 10. If any provision of this title or the application thereof to any person or circumstances is held invalid, the remainder of the title, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

Mr. MORSE subsequently said: Mr. President, yesterday the Senator from Arizona [Mr. GOLDWATER] inserted in the RECORD a selected list of the unions having constitutions barring Communists from office or membership. To the table there was a footnote reading as follows:

The omission of a union from this list does not necessarily mean that its constitution does not include a provision barring Communists.

I spoke to the Senator from Arizona and told him I was about to make an addition to the list today. He has no objection. He said he obtained the list from the Department of Labor. It is the official list which was supplied to him.

A member of the American Federation of Technical Engineers, AFL, spoke to me today and said he thought in fairness, a section of the constitution of the American Federation of Technical Engineers should be inserted in the RECORD, because section 2 of its membership article contains a prohibition, in the case of membership, which this union official feels meets the qualifications of the list which was placed in the RECORD yesterday, by the Senator from Arizona.

I read from section 2 of article IV of the constitution of the American Federation of Technical Engineers, AFL, 1952:

SEC. 2. No person shall be admitted to membership in the federation who is not employed, or eligible for employment, in an occupation under the jurisdiction of this federation, or who advocates principles or lends support to organizations or movements whose purposes and objectives are contrary to the fundamental principles of the established Government of the United States of America, or which are in conflict with the policies of this federation.

Mr. President, I ask unanimous consent that article IV of the constitution of the American Federation of Technical Engineers, AFL, be printed at this point in the RECORD, as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARTICLE IV. MEMBERSHIP

SECTION 1. Any individual employed or qualified for employment in the general field of engineering or architecture shall be eligible to membership in this federation upon application, election, and initiation in the manner and form prescribed in this constitution. Eligible membership in the federation shall include, but is not limited to, such occupations as aeronautical, chemical, civil, commercial, electrical, mechanical, mining and metallurgical, sales, structural, and research engineering; architects, draftsmen, metallurgists, physicists, engineering inspectors, test technicians, planners, estimators, specification writers, technical clerks, time-study men, blueprinters, engineering and laboratory assistants, and aides, etc.

SEC. 2. No person shall be admitted to membership in the federation who is not employed, or eligible for employment, in an occupation under the jurisdiction of this federation, or who advocates principles or lends support to organizations or movements whose purposes and objectives are contrary to the fundamental principles of the established Government of the United States of America, or which are in conflict with the policies of this federation.

SEC. 3. Qualified members who interrupt their regular employment to serve as paid representatives of the federation and its subdivisions shall be considered as still employed in the fields under the jurisdiction of the federation and shall be entitled to full membership rights and privileges.

SEC. 4. Members shall be affiliated with, and members of, local unions chartered by the federation, except in localities where no local union has been chartered, members may be members at large directly affiliated with the federation until such time as a local union is chartered in such locality, at which time such members at large shall seek to become members of such local union.

Mr. MORSE. Mr. President, let me say, further, that I understand that the Federation of Technical Engineers, A. F. of L., has, since 1937, had in its constitution a provision that members shall be dismissed from the union if they are found to be antagonistic to the representative character of the United States Government. In that connection, I read from section 7 of article III, on page 5, of the constitution and bylaws of the International Federation of Technical Engineers' Architects' and Draftsmen's Unions, of the American Federation of Labor, the 1937 issue:

SEC. 7. On being pledged to membership, it devolves on the member to faithfully live up to his obligations. He will attend all regular and special meetings of his local, and strive for the collective progress of his fellow members. He will promptly pay all dues and assessments as they come due. Any member found to be antagonistic to the representative character of the United States Government shall be liable to expulsion by his local union. Members at large shall be subject to similar action by the international president by and with the consent of the executive council. All moneys in the way of initiation fees, dues, assessments, etc., paid by such member or members shall be forfeited.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were commu-

nicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the following acts:

On August 10, 1954:

S. 1244. An act relating to the renewal of star-route and screen vehicle service contracts;

S. 2408. An act to amend the Merchant Marine Act, 1936, to provide a national defense reserve of tankers and to promote the construction of new tankers, and for other purposes;

S. 2846. An act to amend certain provisions of the Securities Act of 1933, as amended, the Securities Exchange Act of 1934, as amended, the Trust Indenture Act of 1939, and the Investment Company Act of 1940;

S. 2864. An act to approve an amendatory repayment contract negotiated with the North Unit Irrigation District, to authorize construction of Haystack Reservoir on the Deschutes Federal reclamation project, and for other purposes;

S. 3458. An act to authorize the long-term time chartering of tankers and the construction of tankers by the Secretary of the Navy, and for other purposes;

S. 3683. An act to amend the District of Columbia Credit Unions Act; and

S. 3699. An act granting the consent of Congress to a compact entered into by the States of Louisiana and Texas and relating to the waters of the Sabine River.

On August 12, 1954:

S. 3713. An act to give effect to the International Convention for the High Seas Fisheries of the North Pacific Ocean, signed at Tokyo, May 9, 1952, and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, its reading clerk, announced that the House had passed, without amendment, the following bills and joint resolution of the Senate:

S. 154. An act for the relief of George Pantelas;

S. 232. An act for the relief of Hugo Kern;

S. 546. An act to authorize payment for losses sustained by owners of wells in the vicinity of Cold Brook Dam by reason of the lowering of the level of water in such wells as a result of the construction of Cold Brook Dam;

S. 1308. An act for the relief of Leonard Hungerford;

S. 1706. An act to provide for taxation by the State of Wyoming of certain property located within the confines of Grand Teton National Park, and for other purposes;

S. 1845. An act for the relief of Dr. Ian Yung-Cheng Hu;

S. 1904. An act for the relief of Ottilie Theresa Workmann;

S. 1959. An act for the relief of Mrs. Annemarie Namias;

S. 2456. An act for the relief of Martin Genuth;

S. 2461. An act for the relief of Berta Hellmich;

S. 2958. An act for the relief of Ida Reissmuller and Johnny Damon Eugene Reissmuller;

S. 3028. An act to require the Postmaster General to reimburse postmasters of discontinued post offices for equipment owned by the postmaster;

S. 3085. An act for the relief of Mrs. Helen Stryk;

S. 3393. An act authorizing the Administrator of Veterans' Affairs to convey certain property to Milwaukee County, Wis.; and

S. J. Res. 183. Joint resolution to extend greetings to the Gold Coast and Nigeria.

The message also announced that the House had passed the bill (S. 3233) to amend the Merchant Marine Act, 1936, to provide permanent legislation for the transportation of a substantial portion of waterborne cargoes in United States-flag vessels, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had insisted upon its amendment to the bill (S. 3482) to amend the District of Columbia Unemployment Compensation Act, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. TALLE, Mr. KEARNS, and Mr. TEAGUE were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 2263) to authorize the Postmaster General to readjust the compensation of holders of contracts for the performance of mail-messenger service; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. REES of Kansas, Mr. BROYHILL, and Mr. MURRAY of Tennessee were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3522) for the relief of Arthur S. Rosichan.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7886) for the relief of Mrs. Cecil Norton Broy; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JONAS of Illinois, Mr. BURDICK, and Mr. FORRESTER were appointed managers on the part of the House at the conference.

The message further announced that the House had severally agreed to the amendment of the Senate to the following bills of the House:

H. R. 1514. An act for the relief of Clint Lewis;

H. R. 1797. An act to provide for the conveyance of certain land to the State of Oklahoma for the use and benefit of the Eastern Oklahoma Agricultural and Mechanical College at Wilburton, Okla., and for other purposes;

H. R. 1912. An act for the relief of Hayik (Jirair) Vartiyan, Annemarie Vartiyan, and Susanig Armenuhi Vartiyan;

H. R. 2009. An act to authorize the sale of certain land in Alaska to the Ninilchik Hospital Association, of Ninilchik, Alaska, for the use as a hospital site and related purposes;

H. R. 2010. An act to authorize the sale of certain land in Alaska to the Alaska Evangelization Society, of Levelock, Alaska, for missionary purposes;

H. R. 2012. An act to authorize the sale of certain public lands in Alaska to the Alaska Council of Boy Scouts of America for a campsite and other public purposes;

H. R. 2014. An act to authorize the sale of certain public land in Alaska to the Community Club of Chugiak, Alaska;

H. R. 2015. An act to authorize the sale of certain land in Alaska to Lloyd H. Turner, of Wards Cove, Alaska;

H. R. 2024. An act for the relief of Frank L. Peyton;

H. R. 2645. An act for the relief of Donald James Darmody;

H. R. 2791. An act for the relief of Esther E. Ellicott;

H. R. 2881. An act for the relief of Mrs. Rosaline Spagnola;

H. R. 3008. An act for the relief of Esther Smith;

H. R. 3854. An act to authorize the sale of certain public land in Alaska to the Turnagain Arm Community Club of Anchorage, Alaska;

H. R. 6455. An act to create a National Monument Commission, and for other purposes;

H. R. 6959. An act to authorize the sale of certain land in Alaska to the Baptist Mid-Missions, an Ohio nonprofit corporation, for use as a church site;

H. R. 7290. An act to authorize an appropriation for the construction of certain public-school facilities on the Klamath Indian Reservation at Chiloquin, Oreg.;

H. R. 8020. An act authorizing the transfer of certain property of the United States Government (in Klamath County, Oreg.) to the State of Oregon; and

H. R. 8128. An act to amend section 1089 of the Code of Law for the District of Columbia relating to attachment proceedings.

The message also announced that the House had severally agreed to the amendments of the Senate to the following bills of the House:

H. R. 270. An act to provide for the control and extinguishment of outcrop and underground fires in coal formations, and for other purposes;

H. R. 2615. An act for the relief of Julio Mercado Toledo;

H. R. 2815. An act for the relief of Floyd C. Barber;

H. R. 4118. An act to authorize the preparation of rolls of persons of Indian blood whose ancestors were members of certain tribes or bands in the State of Oregon, and to provide for per capita distribution of funds arising from certain judgments in favor of such tribes or bands;

H. R. 5093. An act for the relief of Mrs. Dorothy J. Williams, widow of Melvin Edward Williams;

H. R. 6814. An act to facilitate the acquisition of non-Federal land within areas of the National Park System, and for other purposes;

H. R. 7045. An act for the relief of Dr. Marciano Gutierrez, Dr. Amparo G. Joaquin Gutierrez, and their children, Rosenda, Rebecca, Raymundo, and Marciano, and Mrs. Brigida de Gutierrez; and

H. R. 8915. An act to amend the act entitled "An act to consolidate the Police Court of the District of Columbia and the Municipal Court of the District of Columbia, to be known as 'The Municipal Court of Appeals for the District of Columbia,' and for other purposes."

The message further announced that the House had passed a bill (H. R. 9866) to prescribe certain limitations with respect to outpatient dental care for veterans, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendment of the Senate to the concurrent resolution (H. Con. Res. 267) authorizing the printing of additional copies of the hearings held by the Joint Committee on Atomic Energy relative to the contribution of atomic energy to medicine.

HOUSE BILL REFERRED

The bill (H. R. 9866) to prescribe certain limitations with respect to outpatient dental care for veterans was read twice by its title, and referred to the Committee on Labor and Public Welfare.

SOCIAL SECURITY AMENDMENTS OF 1954

Mr. KNOWLAND. Mr. President, merely in order to make the social-security bill the unfinished business, I now move that the Senate proceed to the consideration of Calendar No. 2004, House bill 9366, amending the Social Security Act and the Internal Revenue Code, and for other purposes. Notice has previously been given of the proposed consideration of the bill, and I have consulted about it with the minority leader. We shall not ask to have the Senate proceed further with the bill today, after it has been made the unfinished business.

The PRESIDING OFFICER. The bill will be read by title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 9366) to amend the Social Security Act and the Internal Revenue Code so as to extend coverage under the old-age and survivors insurance program, increase the benefits payable thereunder, preserve the insurance rights of disabled individuals, and increase the amount of earnings permitted without loss of benefits, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with amendments.

ORDER FOR CALL OF THE CALENDAR, FOR CONSIDERATION OF BILLS PLACED AT FOOT OF THE CALENDAR

Mr. FERGUSON obtained the floor.

Mr. KNOWLAND. Mr. President, before the Senator from Michigan proceeds with his remarks, will he yield to me, to permit me to make a brief announcement?

Mr. FERGUSON. Yes, Mr. President; provided I may obtain unanimous consent to do so without losing the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KNOWLAND. Mr. President, let me state that, following the completion of the remarks of the Senator from Michigan, it is my plan to ask unanimous consent that the Senate proceed to the consideration of measures which, during the call of the calendar yesterday, were ordered placed at the foot of the calendar.

I wish all Senators to be advised of the proposed procedure. Therefore, I desire to say that I shall ask unanimous consent to have the Senate proceed to consider those measures as soon as the Senator from Michigan completes his remarks and as soon as I can obtain recognition.

Mr. HENDRICKSON. Mr. President, will the Senator from Michigan yield to me, to permit me to make a unanimous-consent request?

Mr. FERGUSON. I yield, provided I may obtain unanimous consent to do so without losing the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HENDRICKSON. Mr. President, in a few minutes we shall proceed to consider the bills and other measures which, during the call of the calendar on yesterday, were ordered placed at the foot of the calendar. If we were to call those measures in the usual way, they would be called more or less at random. I have discussed, earlier today, with the able Parliamentarian of the Senate and the able and hard-working clerks, the problem which arises in that connection. They state that if the bills and other measures ordered to the foot of the calendar are called seriatim, instead of having to go from page to page of the calendar, back and forth, it will be much more convenient for both them and for the Senate itself. I know it will be much more convenient for Senators who follow the calendar.

I have discussed this matter with the minority calendar committee, and they feel as does the Parliamentarian.

Therefore, Mr. President, I ask unanimous consent that when, a little later today, the bills which, on yesterday, were ordered placed at the foot of the calendar, are called, they be called seriatim.

The PRESIDING OFFICER. Is there objection?

Mr. KNOWLAND. In other words, Mr. President, as I understand the request, no measures will be added to those already placed at the foot of the calendar; but the measures which previously have been ordered to the foot of the calendar will be called up in their calendar order, seriatim, on the basis of the regular procedure during the ordinary call of the calendar.

Mr. HENDRICKSON. That is correct.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Jersey?

Mr. SMATHERS. Mr. President, I apologize for not having heard the request of the Senator from New Jersey. Will he please repeat it briefly?

Mr. HENDRICKSON. I stated that I had discussed with the clerks at the desk and the Parliamentarian the question of calling up in numerical order, seriatim, the bills which, on yesterday, were ordered placed at the foot of the calendar. I said I had talked with the Senator from Florida, as a member of the minority calendar committee, about that matter, and that he had agreed that it would be more convenient, both for him and for the entire Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Jersey? Without objection, it is so ordered.

ISSUANCE OF CONSOLIDATED DEBENTURES BY CENTRAL BANK FOR COOPERATIVES AND REGIONAL BANKS FOR COOPERATIVES

Mr. AIKEN. Mr. President, will the Senator from Michigan yield to me at this time?

Mr. FERGUSON. Yes, Mr. President; provided I may obtain unanimous consent to do so without losing the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AIKEN. Mr. President, there is at the desk a message from the House regarding amendments of the House of Representatives to Senate bill 3487. I ask to have those amendments laid before the Senate at this time. They have been discussed with both the majority leader and the minority leader.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3487) to authorize the Central Bank for Cooperatives and the regional banks for cooperatives to issue consolidated debentures, and for other purposes, which were on page 3, line 9, strike out "central" and insert "Central"; and on page 4, strike out lines 5 through 15, inclusive.

Mr. AIKEN. Mr. President, this bill authorizes the 12 regional banks for cooperatives and the Central Bank for Cooperatives to issue joint debentures. The bill as it was passed unanimously by the Senate contained a provision prohibiting the making of loans which could be used to expand the poultry industry. The House has adopted amendments striking out that provision.

I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

RECLASSIFICATION OF DICTAPHONES IN TARIFF ACT OF 1930—REQUEST TO HAVE BILL RETURNED BY THE HOUSE OF REPRESENTATIVES

Mr. HUMPHREY. Mr. President, will the Senator from Michigan yield to me at this time?

Mr. FERGUSON. I yield, Mr. President, provided I may do so without losing the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, on yesterday, I was temporarily absent from the floor at the time when House bill 8932, Calendar 2001, was passed by the Senate.

The PRESIDING OFFICER. The Chair is advised that the bill has already gone to the House of Representatives.

Mr. HUMPHREY. Mr. President, I desire to submit a motion for reconsideration.

The PRESIDING OFFICER. The Chair is informed that the regular order would be to request that the House return the bill to the Senate.

Mr. HUMPHREY. Mr. President, I now move that the House of Representatives be requested to return the bill to the Senate.

Mr. President, let me state, by way of explanation, that the Representative from the Sixth Congressional District of the State of Minnesota had previously asked me to object to the bill when it was reached during the call of the calendar. However, I was unable to be present when that bill was considered.

I have discussed this matter with the majority leader. I think we may be able to work out the difficulties without delay.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota that the House be requested to return to the Senate, House bill 8932, to reclassify dictaphones in the Tariff Act of 1930, as passed on yesterday by the Senate.

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. FERGUSON. I yield, without losing the floor, to the Senator from Ohio.

LABELING OF PACKAGES CONTAINING FOREIGN-PRODUCED TROUT

Mr. BRICKER. Mr. President, there are on the desk amendments of the House to Senate bill 2033. I ask that the amendments be laid before the Senate.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2033) relating to the labeling of packages containing foreign-produced trout sold in the United States, and requiring certain information to appear on the menus of public eating places serving such trout, which were, on page 1, line 6, strike out "'(n)" and insert "'(o)"; on page 1, lines 8 and 9, strike out "of this title"; on page 2, lines 10 and 11, after "(2)" strike out "each part of the contents of the package is contained in a wrapper" and insert "if the package is broken while held for sale, each unit for sale (consisting of one or more trout) is in a package; and"; on page 2, strike out line 17 over to and including line 2, page 3, and insert:

"(b) No person shall possess in a form ready for serving or shall serve at a public eating place trout produced outside the United States, its Territories, or possessions, unless a notice is displayed prominently and conspicuously in such eating place stating that '———— trout is served in this restaurant', the blank space to be filled with the name of the country in which such trout was produced."

On page 3, after line 13, insert:

SEC. 4. This act shall take effect 6 months after the date of its enactment.

And to amend the title so as to read: "An act relating to the labeling of packages containing foreign-produced trout sold in the United States, and requiring certain information to appear in public eating places serving such trout."

Mr. BRICKER. I move that the Senate concur in the House amendments.

Mr. JOHNSON of Texas. I am not familiar with this matter, Mr. President. I wonder if the Senator will give me an opportunity to confer with Members on this side.

Mr. BRICKER. The principal amendment of the House requires that when foreign-produced trout is served in a restaurant, a notice must be posted, not merely that notice be stated on the menu.

Mr. JOHNSON of Texas. If the Senator will give me a chance to clear this with the appropriate Members on this side, I shall do so.

Mr. BRICKER. I cleared it with the author of the bill, and he is satisfied with the bill as amended.

Mr. JOHNSON of Texas. Who is the author of the bill?

Mr. BRICKER. The Senator from Idaho [Mr. DWORSHAK].

The PRESIDING OFFICER. Does the Senator withdraw his request?

Mr. JOHNSON of Texas. I wish to protect myself, and there are members of the committee with whom I have not had a chance to confer.

Mr. BRICKER. That is satisfactory to the committee. The Senate passed the bill with the requirement that there be notice on the menu that foreign-produced trout was served. The House amendment includes the requirement that the notice be posted in the restaurant. That is all there is to it.

Mr. JOHNSON of Texas. Will the Senator withhold it?

Mr. BRICKER. I shall be happy to.

The PRESIDING OFFICER. Does the Chair understand the Senator withdraws his request?

Mr. BRICKER. I withdraw the request, and I shall take it up at a later time.

Mr. JOHNSON of Texas. We shall clear it as quickly as possible.

TENTH ANNIVERSARY OF THE GI BILL OF RIGHTS

Mr. FERGUSON. I ask unanimous consent that the Senator from Illinois [Mr. DOUGLAS] may be permitted to make an insertion in the RECORD, without the Senator from Michigan losing the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOUGLAS. Mr. President, I ask unanimous consent to have printed in the RECORD an address concerning the 10th anniversary of the GI bill of rights, delivered by Mr. Edgar C. Corry, Jr., of Chicago, Ill., on August 2 over the Columbia Broadcasting System.

Mr. Corry is well-fitted to assess the results of the GI bill of rights, for as a veterans' leader and a successful businessman, he has carefully observed the workings of this legislation. He is past national commander of AMVETS—American Veterans of World War II and Korea—the president of the AMVETS National Service Foundation and vice president of the Mathers Stock Car Co.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TEXT OF REMARKS BY EDGAR C. CORRY, JR., PAST NATIONAL COMMANDER OF AMVETS, AND PRESIDENT OF THE AMVETS NATIONAL SERVICE FOUNDATION, ON THE 10TH ANNIVERSARY OF THE GI BILL, DELIVERED OVER CBS, CHICAGO, AUGUST 2, 1954

Ten years ago—while the guns of World War II were still firing in Europe and Asia, in the Atlantic and the Pacific, and the outcome of that global struggle was in doubt, the United States Congress drafted a bill unparalleled in history. In the course of one decade, it affected the lives of more than 10 million men and women, and stimulated the economic welfare of America.

On June 22, 1944, President Roosevelt signed into law the GI bill of rights (more formally known as Public Law 346). At that time he said, "This law gives emphatic notice to the men and women of our Armed Forces that the American people do not intend to let them down."

A new concept was thus introduced into American thinking—help the veteran help himself. For as far as possible, the cost of war and of victory was to be shared by all Americans—not just those who served or died in uniform. It substituted the "helping hand" for the "handout."

It is appropriate now—10 years later—to measure the results and the cost of the GI bill of rights.

Under the GI bill, the door of opportunity was reopened to millions in whose faces it had banged shut with frightening decisiveness after Pearl Harbor. During the troublesome years since 1944, millions of veterans have passed through this door; some to acquire new homes or farms, or to enter new businesses made possible by the guaranteed loan provisions; some to receive educational and on-the-job-training benefits; and some merely to receive readjustment allowances while seeking a job.

It was very hard for most veterans to readjust themselves to the challenging circumstances confronting them when they returned from the war. But thanks to the GI bill, the transition period was measurably shortened, the absorption of 18 million additional civilians into a peacetime society was accomplished with a minimum of difficulty, and a threatened depression turned into prosperity.

How different from the aftermath of former wars. If you came back then in one piece you were on your own—go pick up the shreds of life by yourself—if you had a family to support in the meantime, well, it was just your tough luck. If you hadn't been able to learn a peacetime trade, or hadn't finished your schooling, or had little actual job experience, well—you were a tough-luck Charlie. Vast numbers of odd-job drifters and unemployed were taken for granted as a necessary price of war.

This time America faced facts. Almost a whole generation of our youth had been put into uniform. You can't turn loose 18 million young men from whom you have taken the 4 most crucial years of their life—you can't just turn them loose without wrecking a large percentage of them, and thereby inviting national economic disaster. Our Congress evolved a way of assisting the GI to become integrated into the business and community life of this country.

As a past national commander of AMVETS—and as president of the board of trustees of AMVETS National Service Foundation—I know at first hand some of the great good the GI bill has accomplished. The basic intent of the law—the restoration of opportunities lost through no fault of one's own, likewise was one of the motivating reasons for the establishment of AMVETS—the only World War II veterans organization chartered by Congress. To help fulfill this objective, the AMVETS Service Foundation was created in 1948.

The help the veterans needed as conceived by Congress fell into three categories: education, readjustment allowances, and financial loans.

Nearly 8 million World War II veterans obtained education and training under the GI bill—that's one out of every two veterans. Some finished high school, others entered colleges and post-graduate schools. Still others received business education in

what was known as on-the-job training and on-the-farm courses. More than 3½ million went to trade and vocational schools. The cost of all these training benefits was $14½ billion, but the country is reaping a rich reward in that investment. Since the draft law was enacted in 1940, the Armed Forces have been channeling much of our youth away from colleges and universities, but since 1944, the GI bill has been filling the vacancies so created, with veterans. Every level of education and training has boomed under the impact.

The GI educational benefits have helped build our reservoir of trained manpower in fields of endeavor ranging from atomic physics to airplane mechanics—from medicine to the ministry. It has assured that the productivity of our land will continue high because of new specialists in agriculture and animal husbandry. It has raised the education level of the entire country and likewise has raised the national income level. A Census Bureau survey discloses that from 1947 to 1952, the median income of the veteran has shot up 40 percent while during the same period the nonveteran group has gone up only 10 percent. The Census Bureau further reports "the higher incomes of these veterans may reflect the combined influence of the increase in work experience and higher level of education which veterans have achieved as compared with nonveterans." The net result is that the veterans who have had GI training will be paying approximately $1 billion more each year in Federal income tax. Within the next 14 years, these same veterans alone will pay off the entire cost of this program.

The second category of help which Congress devised was the readjustment allowance program which permitted allowances of $20 a week for a maximum of 52 weeks for veterans seeking a job. For those millions who were seeking their first job, and who now had families and dependents, the situation was exceedingly grim. They didn't want to be on relief. Nearly 9 million veterans received some readjustment payments, but to show you what stuff these guys were made of, only 10 percent drew their full benefits. The average GI had his new job in hand in 6 weeks. The readjustment allowance program was often viciously attacked and ridiculed during its first 2 years of operation. It was nicknamed the 52–20 club with the implication that everybody would take a free ride on the Government, would wait until they had drawn their full $1,040, before they even started looking for a job. Well, the boys proved the cynics were wrong in a big way, and that the faith Congress had in them was well justified. And, by the way, that $3½ billion spent on them was immediately pumped back into circulation—it went for food, clothing, and rent. With a perspective now of 10 years, it can be safely said that the readjustment allowance program which ended in 1949 amply fulfilled the need for which it had been created.

The third major category of opportunities was the GI loan. Under this provision, the veteran was given the right to borrow money for which he had to pay interest at 4 or 4½ percent. With a guaranty by the United States Government, over three million veterans acquired a home for themselves and their families. When a man becomes a homeowner, he becomes an important and stable member of his community. You will be interested in knowing that $23½ billion were borrowed from banks, insurance companies, building and loan associations and other lending institutions. What kind of homes did these veterans buy? Sixty percent of all the homes acquired were in the $10,000 to $15,000 bracket. Each home purchased or built added strength to its community, and provided an additional source of tax revenue. The veteran's need for housing spurred a gigantic building boom, and the availability of credit thus furnished, stimulated a multibillion dollar exchange of money.

Much can be said for the other types of loans guaranteed by the GI bill—such as business and farm loans. There are thousands of success stories emerging from modest beginnings aided by small business loans guaranteed by the Government in an amount not to exceed $4,000. More than 50 percent of the one-half billion dollars of these loans have been repaid in full. Now that is such a terrific fact, that I'm going to repeat it again—more than one-half of all the business loans have been repaid in full. How's that for ability, integrity and drive?

Many were fearful that the veteran was being saddled with a financial burden that would result in wholesale bankruptcy and create national chaos. The facts prove that the veteran has been an exceptionally sound financial risk. Over $3 billion have been repaid in full. The total defaults on all loans have been less than 1 percent of the funds borrowed by veterans. Many cynics anticipating a very high default rate on the Government guaranteed loans believed that the American taxpayer would be the big loser when these defaults were absorbed by the Government. That less than 1 percent of defaults I mentioned amazed not only the cynics, but the hopeful endorsers of the GI bill. In actuality, the Government received an additional source of tax revenue from all the individuals, businesses and industries which profited and prospered as a result of this multibillion dollar spending.

Has the task undertaken by Congress in 1944 been completed? In part yes, and in part no. In part yes, because as I said, the readjustment allowances were terminated in 1949, and no new applicants for education and training benefits are being accepted. The only major benefit still in force today is the GI loan. Its deadline is 1957. The VA has done a monumental and praiseworthy job in processing and administering all these many benefits for the ablebodied as well as its vast work in the medical field for the disabled.

In part no, because the problem of lending a helping hand to those who need it never ceases. AMVETS and its service foundation were established for the purpose of helping the veteran help himself, and to repay in what small way we can, the moral debt we owe to the widows and orphans of our partners in combat. To acomplish this, we have maintained a staff of national service officers and VA accredited representatives who counsel, free of cost, with the veteran, acquainting him with his rights and assisting him in the complicated mechanics of obtaining them.

Another illustration of the work of the AMVETS service foundation is the annual 4-year college scholarship given to 6 deserving high-school students whose fathers died in combat, or were totally disabled. These students, carefully tested by the National Association of Secondary School Principals, receive the sum of $2,000 prorated by semesters. By the way, they are setting a terrific pace in college.

The annual AMVETS Christmas party provides homeless orphans throughout the Nation with a real Christmas complete with toys, individual gifts, and a TV set or radiophonograph for the orphanages in which they live. Right now—let me thank all of you whose generous donations have helped us carry out such programs.

American generosity has given much to those who bore the brunt of battle. The 10th anniversary of the GI bill heralds an enriched America whose heroic soldiers have become its most devoted citizens, its local, State, and national leaders. That bill was a humane as well as a sound business investment made in the youth and, therefore, the future of America.

THE RIGHT OF CLERGYMEN TO SPEAK AND ACT

Mr. DOUGLAS. Mr. President, I wish to make available to the Members of Congress a resolution adopted earlier this year by the executive committee of the Church Federation of Greater Chicago on The Right of Clergymen To Speak and Act.

At a time when loose charges are made against many religious leaders, it seems appropriate to direct attention to this strong affirmation by the Chicago Church Federation of its unequivocal opposition to communism, its forthright support of the right and duty of clergymen to speak and act on the urgent problems of our time, and its conviction that reforms should be made in congressional investigating procedures.

Those of us who have been advocating such reforms in investigating procedures, as in my joint resolution, Senate Joint Resolution 137, or the Kefauver resolution, Senate Resolution 256, of which I am a cosponsor, welcome this support. We also hope that the Senate Rules Committee, which is now considering these proposals, will give heed to the growing public feeling and conscience which this resolution reflects.

I ask unanimous consent that the resolution of the Church Federation be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE CHURCH FEDERATION OF GREATER CHICAGO

THE RIGHT OF CLERGYMEN TO SPEAK AND ACT

Resolved: As Christians and leaders of our churches we are unequivocally opposed to communism. Its materialistic philosophy is a denial of the reality of God in whom we believe. Its ruthless totalitarian methods violate the Christian doctrine of love as taught by our Lord Jesus Christ. The basic premises of the Communist doctrine of personality and human relationships, and of the social, economic, and political organization of society, are false. They are antithetical to democracy.

Week after week and year after year throughout all of their ministries more than 2,000 clergymen of all faiths in Greater Chicago have by their teaching and their lives witnessed to these truths, as those who know the minds of ministers and who attend the services of the churches regularly would gladly testify.

However, in our opinion, the issue as drawn by those who are currently attacking the clergy is not the issue of communism, nor the investigation of treachery. We favor every proper legal procedure to enforce the law against treasonable acts or incitements, whether committed by clergymen or others.

What then is the issue? It is whether or not clergymen have the right to speak and act in applying the Christian faith to the urgent moral and social problems of our age.

Clergymen have a duty imposed on them by their churches and God to be concerned about social conditions which in their best judgment violate the moral order which God has revealed through Jesus Christ.

Clergymen have the obligation to proclaim the eternal truths which inhere in the nature of God's universe, and to make these truths relevant to the relationships of men to men as well as of men to God.

Yet ministers, teachers, and other citizens concerned about racial, social, and eco-

nomic disorder and injustices in society or the realization of peace have too often been smeared with the accusation of communism. A principal foundation stone of freedom in America is religious liberty. We shall never surrender that freedom.

We denounce the false charges that have been made against the clergy of all faiths, educators, and other leaders.

We urge that the congressional accusers bring their charges in courts of law where the accused can be given a fair trial by accepted judicial procedure.

We call for the reform of congressional and Senate investigating committee procedure so that innocent men will not have their reputations blackened by star-chamber proceedings which imitate the methods of communism and fascism.

These are the real issues. As clergymen responsible to God and our churches we declare that we shall endeavor to proclaim the word of God about the vital issues of human life.

We shall not be intimidated by false charges of communism or communistic sympathizing leveled by those who seek to silence the clergy.

We make this declaration in humility and with gratitude for the freedom and privilege of our American heritage. We pledge ourselves to uphold the spiritual integrity of this heritage and we urge all Americans to dedicate themselves to this purpose.

A NATION SECURE—TODAY AND TOMORROW

Mr. FERGUSON. Mr. President, for some years we expanded our military forces. The enlargement has drawn into the services the sons and daughters of families throughout the land. One of the effects of this situation has been to make our people, more than ever before, conscious of the perilous times in which we live. They do not know whether there is peace or war behind the ever-threatening clouds. No generation since 1815 has been so troubled with fear for the safety of our homeland. From the questions we hear in every quarter it is clear that there is deep anxiety over the state of our national defense. Confused by the babble of contradictory and alarming pronouncements by the uninformed, our people seek assurance that the Nation is reasonably secure against attack. They want to know what policies the administration has developed to guide the military in various contingencies. They want to know what our program is, what it costs, and how effective it is likely to be in meeting such challenges as world events may thrust upon us.

It is my purpose today to answer these questions, to explain why we had to make a reappraisal of our military requirements, to dispel some of the misconceptions that have grown up around the term New Look, and to present in some detail the specific programs we have developed for the common defense. I think I can show that, behind the smog of words which has all but smothered our achievements over the past 18 months, we do have a comprehensive military program, at a price the national economy can afford, and capable of defending our homeland and supporting our policies abroad.

When the Republican Administration and the 83d Congress took office in January 1953, the Nation was at a critical stage in its defense program. The stalemate in Korea was still pending and the weekly casualty lists of young men were coming in. We had no assurance that increased fighting would not be resumed. Our rearmament program still continued strong because we had no way of knowing whether Korea was merely a limited war or the beginning of a global war which would require the highest level of military preparedness. Our military spending, which totaled $11.9 billion in the fiscal year 1950, was projected by the outgoing administration at $50 billion for the fiscal year 1953. Military manpower had increased from 1,460,000 in June 1950, to 3,555,000 by June, 1953. Defense treaties had been concluded with some 39 nations, thus extending our commitments around the world.

And yet all was not well with our Military Establishment. There had been critical shortages of ammunition and other supplies. Our military planning moved from crisis to crisis on a stop and start basis because the national goal was not clear. We were constantly seeking to meet some peak year of calculated danger. And in our rapid-fire buildup, we rarely paused to appraise the situation, to eliminate the enormous waste, or to note the cost and disruption to our economy.

Then the situation changed again, and on July 27, 1953, the Korean truce was signed, thus ending the fighting in which the United States suffered 142,126 in total casualties. By this time, too, the military preparedness of our allies in the North Atlantic Treaty Organization had become more effective. In Korea, the defense forces of the Republic became stronger through the training and equipment of its own divisions. And we had reached a point in the growth of our Military Establishment where prudence indicated the necessity of a balance between maximum military strength and the capacity to bear the load without imparing the health and solvency of the national economy. It became clear to all who were concerned with the problem that we were going to have to devise a new program to meet the long pull if we hoped to counterbalance the Soviet calculations which contemplate a whole historical era.

In these circumstances a fresh appraisal of our situation was clearly called for. Moreover, it was a natural desire for the new Republican administration to want to make its own interpretation of the basic requirements for the national defense in the light of rapidly changing circumstances. We wanted to evaluate the commitments that had been made, and to calculate the risks we faced in the light of the best military intelligence on the intentions and capabilities of the Soviet Union. We wanted to find up-to-date answers on three main questions: What are our requirements? Do we have the capabilities to meet these requirements? And can we meet them at a lessened rather than increased cost over the indefinite future?

MILITARY PLANNING DEPENDS UPON NATIONAL POLICY

Military planning is only one factor in our total policy for national security. Traditionally, war is regarded as "an instrument of national policy"—not to be used unless all other methods fail in the conduct of peaceful international relations. As far as the United States is concerned, it is to be used only when and if war is forced upon us by enemy aggression. I want to repeat that statement: It is to be used only when and if war is forced upon us by enemy aggression.

This is more than ever true today when the possibility of attack and counterattack with hydrogen bombs could result only in the mutual destruction of the participants. But it is also more than ever true because the Communists have devised so many different ways of committing aggression that we must be prepared to deal with each type whether it is primarily political, economic, military, or psychological. In fact, during a cold-war period the battle for men's minds is on the spiritual, moral, and the diplomatic fronts. Spiritual values based upon the concepts of Christianity and representative democracy, emphasizing the innate worth of each man and of his right to freedom and liberty—these are the real weapons for winning victory in an ideological conflict. We firmly believe that given a fair opportunity to choose, men everywhere will take freedom as against slavery. Much of our foreign policy today is designed to see that men have this fair opportunity to choose between freedom and slavery.

But we must be prepared not only for the cold war which the Communists instigated by anti-American and anti-representative-government propaganda, but also for a period of half-war-half-peace, during which the techniques of war-by-satellite or war-by-revolution, may again and again be attempted in order to extend the boundaries of communism. Beyond that, we must be ready for total war, if war is forced upon us.

We must be prepared for these wars-by-satellites or wars-by-revolution.

The primary objects of our national policy are twofold: to prevent war, and to bring about conditions that will establish a peaceful atmosphere of faith and confidence. To achieve these objectives we use a variety of methods—political, psychological, economic, and military. The military, it will be observed, is only one element interlocked with others in a complex pattern of defense. It was never intended by responsible planning officials that our program should be interpreted as consisting of only one particular element, much less only a part of one element such as "massive retaliation." Yet some of our critics are trying to mislead the public by such absurd charges.

We know that battles are not lost alone on the field of combat; and we have taken steps to make sure that no battles are lost by armchair generals or typewriter machine guns here in Washington.

Since the end of the Korean war a profound study of defense policies has been made. The President, the National Security Council, the State Department, the Defense Department, and Congress have all had an active hand in it. We have to outline the strategy of defense before calculating the appropriations

for specific purposes and parts of it. As chairman of the Senate Subcommittee on Military Appropriations I know how hard and carefully we have worked on this problem.

It is interesting to observe that the National Security Council met during the previous administration 20 times in 1950, 34 times in 1951, and 17 times in 1952; whereas during the present administration it met 51 times in 1953, and 26 times in the first half of 1954. In fact, during the first year and a half of the present administration 66 meetings were held, out of a total of 193 meetings of the National Security Council since the beginning of the Council in September 1947.

The actions taken at those meetings were, in the present administration, 399, as compared with a total of Council actions in the 7 years the Council has been in existence of 1,095.

These figures show the tremendous emphasis given by the present administration to the work of the National Security Council and all aspects of the national-security policy.

Now that our program has been crystallized in size and shape by the passage of the 1955 military and related budgets, we know where we are headed, but our plans are flexible and if events disprove any of the assumptions on which our estimates were based, we can and will of necessity make adjustments to the new conditions.

THE TERM "NEW LOOK" AS APPLIED TO MILITARY POLICY

You will notice that I have chosen to speak of our present military policy and program rather than to use the term New Look which has become so widely current. It has, indeed, become a sort of catchall phrase which means many things to many people, and hardly anything to others. I have purposely refrained from using New Look because some who have done so have made the mistake of taking a part for the whole. Sometimes they have taken several parts. And again they have used the words as a label to describe everything that has a military aspect. If we are to understand the elements of our military policy and program—and they must be pretty definite for we have appropriated more than $29 billion for the military budget this year—then we would certainly do well at the beginning to make sure that we agree on our terminology and that our purpose is not to confuse the issues by indulging in a war of words.

The use of New Look to describe our military policy has grown up like Topsy, and has gained such popular acceptance that I do not expect others will suddenly abandon this phrase merely because I have chosen to speak as I do. But I do think that a few words about the term may provide perspective and prevent some mistakes about it, particularly on the part of those who neglect the forest in favor of looking at 1 or 2 trees.

It became apparent very soon after New Look hit the headlines that our civilian officials and military planners were disinclined to accept the term as being explanatory of the situation with which they were dealing. When President Eisenhower, on April 30, 1953, called attention to the "crazy quilt of promises, commitments, and contracts," with which the administration was confronted when it took office, he said that we must have "a completely new, fresh look" at this condition. He was referring to a simple appraisal and to the need for bringing the fiscal situation into "some kind of realistic focus." But over and above this, his main purpose was to bring out that "a true posture of defense is composed of three factors—spiritual, military, and economic."—White House Press Release, April 30, 1953.

Nor did Secretary of Defense Charles E. Wilson say anything that would tend to convey the impression that the New Look was a partial term or that it could be used indiscriminately. When he appeared before the Senate Committee on Appropriations, May 19, 1953—that was the first hearing before my subcommittee on the defense bill—to testify on the military budget, he said:

> During the summer and fall of 1953, it is planned to take a new look at the entire defense picture. This will involve an intensive and detailed study by the newly designated Joint Chiefs of Staff. They will consider all aspects of defense—strategic plans, forces, missions, weapons, readiness levels and mobilization reserves, both stockpiles of material and capacity to produce. This will provide the basis for the fiscal year 1955 budget. The current force plans are subject to whatever change may be indicated by this forthcoming review. (Hearings before the subcommittee of the Committee on Appropriations, United States Senate, 83d Cong., 1st sess., on H. R. 5969, Department of Defense Appropriations for 1954. Pp. 6–7.)

By December 1953, when Adm. Arthur W. Radford spoke before the National Press Club in Washington (December 14, 1953), he sought to make clear that:

> The new look really is not the first such review of military requirements. The Joint Chiefs of Staff since their inception have continuously reviewed security problems and requirements. Actually, the new look is new in only two respects. First, the Joint Chiefs of Staff, who are making it, are newly appointed.
>
> Second, and more important, our current review is based on a guiding precept that is significantly different. Our new look prepares for the long pull, not a year of crisis. (Address by Adm. Arthur W. Radford, Chairman of the Joint Chiefs of Staff, to the National Press Club, Washington, D. C., December 14, 1953. The New York Times, Dec. 15, 1953.)

In spite of these clear explanations with regard to the nature of the military planning process, we have been favored with a number of articles which seem to imply that the new look military policy means 1 or 2 of several different things, such as cutting the military budget or bringing home 2 divisions from Korea—it depends on who is speaking as to how it is described—or not consulting with our allies; or not consulting with Congress; or starting a big war to stop a little war; or cutting ground troops; or emphasizing airpower too much; or not emphasizing airpower enough; and so on, down the long line of such ideas.

The term came to be so needlessly abused that, finally, at a press conference on March 18, 1954, President Eisenhower said he did not like the expression "New Look" because it did not mean much to him—that what we were really trying to do was to "keep abreast of latest developments by planning to employ new weapons and new tactics" and that "we are striving our best to meet the grave responsibilities that are placed upon people whose job is to protect this country"—transcript of presidential press conference with comment on retaliation to aggression, the New York Times, March 18, 1954.

The main thing wrong with those who abused the term "New Look" is that they tried to imply either that we have some fatal weakness in our defense policies, or that we have no understandable defense prorgam at all. Both of these implications are false.

In a moment I intend to show conclusively that we do have a well-rounded military policy and program which is carefully and wisely meshed with our foreign policies and with all other elements bearing on our security.

THE ROUNDED NATURE OF OUR PREPAREDNESS CONCEPTS

The course that has been charted by the Government to prevent war and achieve peace is made up of a number of guiding lines. During a cold war period, or for any period short of a shooting war, fencing with the enemy is done by diplomatic, economic, and psychological means.

Communism has brought into the world a new meaning to this cold-war period, or this period which is short of a shooting war. Therefore, we must have a new approach and a new policy.

As we meet the aggressively purposeful will of the enemy, we are in the parrying and thrusting stages of a conflict that is taking place in the unpredictable realm of political decision. From the variety of means available for implementing our policy in this cold war, we may give priority first to one method and then to another, depending upon how we decide to exercise our initiative. Nor do we wish, at such a time, to give the enemy a complete blueprint of what we plan to do and how we plan to do it.

I think we courageously provided on the floor today one of our instruments in this cold war.

But the broad outlines of our intent must be made plain to the whole world—that while we intend to seek the solution of international problems at the council table, we are determined to withstand aggression by force if absolutely necessary.

Mr. President, it is all-important that not only those who would destroy our way of life, but all peoples of the world, should know that while we intend to seek the solution of international problems at the counsel table, we are determined to withstand aggression by force, if absolutely necessary.

My purpose here is to present our official policy, as I understand it, in terms of some eight elements into which I believe it can be divided:

First. Our long-term security program;

Second. The mutual system of defense;

Third. Our plans for preventing war by deterring aggression;

Fourth. Readiness for both global or small wars;

Fifth. The use of new weapons systems;

Sixth. Strengthening our continental defense;

Seventh. The continuing reorganization of the Department of Defense in the interest of economy and efficiency; and

Eighth. The constant review of policy to meet changing conditions.

OUR LONG-TERM SECURITY PROGRAM

Our present program is based upon a recognition of the fact that communism is a threat to the free world for an indefinite period of time in the future. Although the military forces of the Soviet-bloc nations cast their threatening shadow over the western democracies, this warmaking capacity is only one of the means used by the Communist leaders to force compliance with their world revolutionary ideology. With great patience they are willing to use internal subversion, war-by-satellite, hate-stirring propaganda, or any other economic or political device which will gain their object without a fighting war, using their own troops. They seem willing to take 10, 40, or 100 years to conquer the world.

Mr. President, 1938 was 100 years from the manifesto of Karl Marx, which is the heart of communism. So they go on to win their point.

As Secretary of State Dulles has pointed out, "* * * the threat is virtually unlimited so far as time is concerned. Soviet communism operates not in terms of an individual lifetime so that the threat will end with someone's death. It operates in terms of what Lenin and Stalin called 'an entire historical era' "—hearings before the Committee on Foreign Relations, United States Senate, 83d Congress, 2d session, March 19 and April 14, 1954.

Mr. President, that is very important. Both Lenin and Stalin are dead, but communism did not stop, because it is unlimited so far as they are concerned and so far as time is concerned.

It has taken us a little while to come to this conclusion. Senators will recall that after World War II, the United States in accordance with past traditions demobilized its military establishment. We had hoped that international disputes could be settled largely through the United Nations, and although we had a monopoly of atomic weapons in 1946, we took the initiative in proposing an effective system for the international control of atomic energy.

America wants peace not only at home, but all over the world. It soon became apparent, however, that the Soviet Union was committed, not to the idea of cooperating with other nations in the settlement of difficult problems, but to a deliberate course of action designed to obstruct progress toward disarmament.

Mr. President, an analysis of the whole situation for the past decade since the end of the war must convince those who look at the question that this is true. At the same time the U. S. S. R. was engaged in building up its military forces to a point far in excess of that required for purely defensive purposes. Meanwhile, in the 10-year period between 1939 and 1949, the Soviet Union revealed its predatory nature by expanding its territory from 8,176,000 square miles, with a population of 170,467,000, to 13,415,660 square miles with a total population of 752,878,000—background information on the Soviet Union in international relations report of the Committee on Foreign Affairs pursuant to House Resolution 206, House Report No. 3135, 81st Congress, 2d session, 1950.

But the men in the Kremlin still were not satisfied. They reached out far beyond their own boundaries to sponsor armed Communist aggression against the Republic of Korea in June 1950.

I called the attention of the Senate, in a speech I made on the floor, to the fact that I believed at that time—and I am more convinced of it every day—that it was Communist aggression which moved into Korea on June 25, 1950. The same was true in Indochina.

By this time the United States had come full swing from partial disarmament after World War II to the necessity for rearmament, not only to fight aggression in Korea, but also for preparedness to win another global war if one were launched by the Communists.

The unlimited time element in the Soviet strategy for conquest, plus the fact that atomic weapons allow us little or no time to prepare for a future war, mean that we must maintain a strong military posture for an indefinite period. Our preparations must be adequate, but they must also be realistically related to maintaining a healthy economy.

When Stalin was head of the Communist conspiracy he let it be known to the people of Russia and to all other people throughout the world that he believed America and the other nations which believed in representative government would destroy themselves in their preparedness programs.

We would simply be playing the game of the Communists if we were to indulge in military expenditures to the point of economic collapse. Nor would such a course guarantee peace. Military preparedness is not equal to the amount of money spent. We might draft twice as many men, and in the absence of war, unnecessary personnel would have been withdrawn from productive civilian activities which are also necessary to national strength. We cannot forget that.

We must have a firm core of trained military manpower, active and reserve, the best available weapons, a strong productive base, and a stockpile of strategic materials.

The hearts of the American people, who believe in freedom, must remain strong and true. That is the first requirement of defense. What is our manpower thinking? What is the real and true inspiration of their souls?

The essential element of a long-term preparedness program is quick conversion from partial to total mobilization of all the requisites for carrying on a war. This long-term program must also include the capability to deliver a massive retaliatory blow with nuclear weapons, which is the great deterrent to general war, and the great means of winning such a general war if it should come, and steps to protect this capability in the homeland and abroad from destruction by enemy attack, as well as protect the mobilization base of the civilian population.

Being militarily prepared to win a war that we hope to prevent is complicated by an unknown factor—the enemy's plans and the timing of a possible attack. I know it is much harder because of those two factors.

In recognizing the long-term nature of our security program, therefore, we realize that our degree of preparedness depends upon a continuous and accurate analysis of the size and nature of the Communist threat realistically projected into the future. We are fully aware that at any given moment our state of readiness must be sufficiently adequate to meet this threat regardless of the cost or the sacrifices which that might entail.

THE MUTUAL SYSTEM OF DEFENSE

Another pillar that supports our defense structure is the mutual system of defense that has sprung up among the free countries banded together against aggression. Separately, each nation does not have sufficient resources to withstand the nibbling tactics of communism, but when their strength is combined, it can be great enough to turn back the would-be conquerors.

Our present policy and program call for continuing and strengthening the mutually agreed upon arrangements which were a result of bipartisan action by the Congress. In addition to the commitments involved in extending economic, military, and technical assistance, the United States has concluded defense treaties with some 39 nations. The Inter-American Treaty of Reciprocal Assistance—the Rio Pact between 21 nations of the Western Hemisphere—provides that an armed attack against any one of these states will be considered as an attack against all. The 14 nations allied by the North Atlantic Treaty have made a similar pledge. The treaty between the United States, New Zealand, and Australia declares that an armed attack on any one of the three will be considered dangerous to peace and safety. We are now exploring the possibility of another regional security agreement to protect the stability of southeast Asia. And in addition to these regional alliances, the United States has mutual defense pledges with the Philippine Republic, Japan, and the Republic of Korea.

We have reviewed all these arrangements to see what effect they would have on our defense planning. Obviously, they are of mutual advantage. The United States is enabled to have bases abroad; our allies are assured of economic and military assistance; and each Nation can contribute its share toward total defense requirements of the free world according to its capacity. On the one hand, the treaties serve notice on a potential aggressor of the intent of these nations to combat imperialism; on the other, they indicate to our own planning officials the necessity for a flexible, mobile

military force which is capable of being supported by men, weapons, and supplies in many far-flung areas throughout the world.

Mutual security arrangements look toward the building up of indigenous military strength, helped by United States logistic support, military training and military defense support, plus, if necessary, United States mobile forces and the available forces of U. N. or other regional agreements countries.

DETERRING AGGRESSION AND THE CAPACITY FOR MASSIVE RETALIATION

The United States will not start a war, nor does it consider a third world war inevitable, but if an enemy launches an aggressive attack, we will be prepared and have the capacity to retaliate with devastating force. Now the enemy knows exactly what he can expect if he starts a war. Apparently the aggressors who started the two world wars thought that we would not fight, and so they embarked upon a course which they assumed they could get away with. It was the same in Korea when the Communists concluded from Secretary of State Acheson's speeches that America would not act against aggression in Korea. Had all these aggressors appreciated the firm determination of the United States and of her allies to resist attacks upon our republican institutions, they might not have started the wars in the first place. Because we are determined to head off a war before it ever gets started, because we do not want enemy leaders to make this same mistake again, we are calling their attention to our determination to resist aggression and to participate in the enforcement of peace.

I think, Mr. President, it is very important that we do not mislead the enemy by some of the things we say and do; but rather, that we must advise them so that they will know that we are calling their attention to our determination to resist aggression and to participate in the enforcement of peace. It is not as a threat, Mr. President, but just a matter of advising them what the facts are.

When President Eisenhower spoke before the United Nations on December 8, 1953, calling for a pool of atomic power for peace, he called attention to the devastation—indeed the utter ruin—that could be expected to result from atomic warfare, and he stated that "no sane member of the human race could discover victory in such desolation." Firmly he said that:

> Should such an atomic attack be launched against the United States, our reactions would be swift and resolute. But for me to say that the defense capabilities of the United States are such that they could inflict terrible losses upon an aggressor * * * all this, while fact, is not the true expression of the purpose and the hope of the United States * * * My country wants to be constructive, not destructive. It wants agreements, not war, among nations [and] is instantly prepared to meet privately with such other countries as may be "principally involved" to seek "an acceptable solution" to the atomic armaments race which overshadows not only the peace, but the very life, of the world * * * The United States knows that if the fearful trend of atomic military build-up can be reversed, this greatest of destructive forces can be developed into a great boon, for the benefit of all mankind. (Department of State Publication No. 5314, pp. 1–14.)

The existence of our Strategic Air Command, and of its network of forward bases overseas does not mean that this is the only method we have of meeting enemy agression. Nor does it mean that we would overshoot a target by using an atomic bomb where a hand grenade might suffice. It does not mean that we would instantly start a major military operation in order to deal with some minor skirmish. Nor does it mean that we shall ever ignore our treaty partners. We shall naturally consult with our allies where collective defense requires collective action because we want them to know we shall not ignore our treaties. And the President has been explicit regarding his intention to consult with the Congress in matters relating to the role of the legislature in providing for the common defense and in making any declaration of war.

Mr. President, that is as it should be.

I think the misconceptions that have grown up around this point should be dispelled by the testimony of Secretary of State Dulles before the Senate Foreign Relations Committee on March 19, 1954. I heard his remarks, and they were impressive. He said:

> What I have said has often been misquoted as a policy of instant retaliation. I never have said that there was a policy of instant retaliation. I said we should have the capacity to retaliate instantly, and I believe that then, the decision as to when and how to use that capacity is made through the ordinary processes of government. * * *
>
> To apply this deterrent principle the free world must maintain and be prepared to use effective means to make aggression too costly to be tempting. (Hearings before the Committee on Foreign Relations. U. S. Senate, 83d Cong., 2d sess., Mar. 19 and Apr. 14, 1954.)

There are many ways to retaliate, as Secretary Dulles testified, and the main thing is to have mobility in order to have—

> a large measure of choice * * * which [would] force a potential aggressor to worry as to where and how the attack will be.

To say that we depend primarily upon a capacity to retaliate certainly does not mean that we depend solely, only, or exclusively on this method. Admiral Radford has assured us that—

> Our planning does not subscribe to the thinking that the ability to deliver massive atomic retaliation is, by itself, adequate to meet all our security needs. It is not correct to say we are relying exclusively on one weapon, or one service, or that we are anticipating one kind of war. I believe that this Nation could be a prisoner of its own military posture if it had no capability, other than one to deliver a massive atomic attack.

Although we cannot guarantee that this deterrent principle will be foolproof in the future, certainly it has worked to prevent a major war thus far. And even now that the Soviet Union has developed atomic bombs and the means of delivering them to vulnerable western targets, there is still hope that the discovery of this weapon will bring peace rather than war. I think it is well to ponder a moment the words of Winston Churchill:

> It may be * * * that when the advance of destructive weapons enables everyone to kill everybody else no one will want to kill anyone at all. At any rate, it seems pretty safe to say that a war which begins by both sides suffering what they dread most—and that is undoubtedly the case now—is less likely to occur than one which dangles the lurid prizes of former days before ambitious eyes. (Speech in the House of Commons, November 3, 1953.)

READINESS FOR BOTH GLOBAL OR SMALL WARS

Prior to the outbreak of hostilities in Korea, our military planning was dominated by the idea that if war broke out it would be total and worldwide. Naturally, such an assumption led to plans that were based upon total rather than partial mobilization of our men and resources. It led to grave injustice when reservists were called up to serve in Korea, after they had already fought in World War II.

Mr. President, that was brought forcibly to my attention when I spent a month in the Korean theater with the Air Force, the Marines, the Army, and the Navy. When one talked to the reservists, he found that out very forcibly.

It led to the Nation's being unprepared for the type of war it had to fight in Korea.

As a result, the United States undertook a major mobilization, and attempted to build up military strength at every possible danger spot throughout the world, an effort that would inevitably involve unbearable expense. At the same time, it did not give us the type of protection we needed to meet different situations which might arise. There is no safety in commitments everywhere and strength nowhere.

Our military experience in Korea gave us a new measure of the enemy, indicating that we would have to be prepared not only for total war, but also for "brush-fire" wars that might have to be put out all around the edge of the Communist borders. This fact, in the light of the cost of trying to be strong everywhere, emphasized the necessity of a strategic reserve of flexible and mobile military forces. It also meant that we would have to be prepared to fight with conventional weapons, as well as with atomic weapons. In putting out "brush fires," we hope to rely as much as possible on indigenous military strength. To that end we offer to our allies military training, military defense support, economic support, and logistic support. Such ideas as these have helped us in planning the size and shape of our Military Establishment.

Our analysis of the situation indicated that we could get maximum defense at a minimum cost over a long period of time by emphasizing the role of air power. This does not mean, however, that the Air Force is being built up "at the expense of" the Army and Navy, as some persons have alleged. In this connection, we must keep in mind the fact that the planes of our powerful Air Force do not solely comprise our national military air power. The fast carrier task force has long since been accepted as the core of the Navy's offensive capabil-

ity. Perhaps it should be emphasized that the Navy has an active inventory of over 13,000 planes, and that the carrier-based planes are also fully capable of delivering the atomic bomb. The Joint Chiefs of Staff are in agreement that ground troops are important and necessary, and would be required on a grand scale for a global war and for the full use of our superior atomic weapons. However, the Joint Chiefs believe that we can maintain effective strength throughout the cold-war period without undue expansion in the size of the military establishment.

It has always been difficult to provide for a unified, long-term military manpower program. Traditionally, as a republic, we have been reluctant to maintain large standing Armed Forces; and the pattern we followed in all our past wars was to mobilize after the war started, and to demobilize as soon as it was over. Now, however, it appears to be essential that we have a stabilized Regular force which can be augmented, when necessary, by strong, trained, and ready Reserves. The size of this total force must be determined by the function it is to perform. It would be wasteful to have the number too large, and hazardous to have the number too small. Whether we have 3 million or 3½ million men in the Regular forces, it would still be necessary to call up the Reserves if a major war broke out, and it would be essential that the Reserves be trained in the techniques of modern warfare. The administration is now working on the details of such a strong and equitable Reserve system.

Congress has given the Department of Defense an area of discretion in fixing the numbers of men necessary for defense. The number may vary from a little over 2 million to up to 5 million. At the height of the fighting in Korea it went up to some 3.6 million. The budget for fiscal 1955 calls for military personnel to number 3,038,000 by June 1955—a figure that is not so much lower than the peak of our Korean strength, but more than a million higher than the regular strength which might suffice, except for the enemy threat we face. It is the highest level of military manpower strength the United States has ever undertaken to maintain when a war was not going on. Three million is a planning figure—and I emphasize the words "planning figure"—for this cold-war period, or, perhaps we should call it this period of armed peace.

THE USE OF NEW WEAPONS SYSTEMS

One of the main factors which helped us determine the size of a military establishment that could be maintained on a combat-ready, but standby, basis, was the decision to incorporate atomic weapons into the regular arsenal of the Armed Forces. Today, we have not only strategic weapons, but also tactical atomic weapons, available in a variety of sizes and types. And all of our services—the Army, the Navy, the Air Force, and the Marine Corps—are trained and organized to use these weapons.

The research and development necessary to keep us in the forefront of scientific achievement have been emphasized by our 1955 military budget. There will be a constant effort to use new weapons and new techniques to increase the combat effectiveness of our troops. We know that atomic weapons are not the only answer to all military problems; we must be prepared with conventional types, as well, wherever they best suit the purpose.

We are well aware of the problem of maintaining the right balance between the weapons we have on hand and the new models we may produce. We cannot afford to abandon all our present equipment; we cannot run the risk of letting contracts to build up stockpiles of obsolete materiel; nor can we be so tempted by the glamor of new weapons and planes that we start living in a hazy cloud of blueprints. Between the old and the new, and in accordance with the international situation in which we find ourselves, we intend to keep a realistic balance.

STRENGTHENING OUR CONTINENTAL DEFENSE

We are moving to take whatever steps are necessary to strengthen our continental defense system. During the past year, this is the problem that has increased the most in size and difficulty. We know that the enemy has atomic bombs, has developed the hydrogen bomb, and has produced intercontinental bombers which are capable of making devastating attacks on American cities. We know that atomic bombs can be delivered to their targets by submarines as well as by planes, and we know the awful possibilities of bacteriological warfare.

The military problems are being met by improving our early warning system, so that people can quickly be alerted to the danger of an enemy attack. We are emphasizing the mission of our fighter-interceptor force in bringing down enemy planes before they reach their targets. We have already made great strides in the development of antiaircraft weapons, and the National Guard is playing a vital role in this aspect of our home defense. We are also working on a coordinated system of communications, so that the entire country can be prepared to cope with the problems of reconstruction. In all the military preparations we are making to ward off attack, we have the valued assistance and cooperation of our Canadian neighbors to the north. They, too are threatened with the common danger. Many elements of our early warning system must, of geographic necessity, be outside our border, and located in and shared with Canada.

The nonmilitary problems are connected with our civil defense effort; and this requires the close cooperation of all levels of government—local, State, and Federal. By advance planning, we hope to make certain that during and following an enemy attack, the people as a whole will know what to do. We are working on plans for the evacuation of people to safer spots in the country. If the whole life pattern of a city is disrupted by bombing, we shall be faced with the problems of disaster relief. These are similar to those we have faced as a Nation when we have had great floods, or fires, or epidemics. We shall have to provide food, clothing, shelter, and hospital care for the homeless people. We shall have to restore their means of making a living. And we shall have to reconstruct our productive economy, so the war can be carried to the enemy.

The problems of civil defense take on a different aspect, depending upon whether they occur before, during, or after an attack. We are now in a period before an attack, which we are doing our best to prevent. The most important advance we can make at this time is to awaken the people to the danger, so that, as citizens, they will seek the education which is necessary if they are to be prepared to meet the problems which may arise in the future.

CONTINUING REORGANIZATION OF THE DEPARTMENT OF DEFENSE

In June 1953 President Eisenhower's plan for the reorganization of the Department of Defense became effective, and since that time we have had a better basis for bringing about civilian control, effectiveness with economy, and the development of the best possible military plans.

During the past year Secretary of Defense Wilson has devoted himself to the task of managing our military affairs on a more economical basis. Certain unwieldy boards have been abolished and a streamlined administration has been set up in the Office of the Secretary. In accordance with the President's plan, new arrangements for efficiency in administration are also being worked out for the Army, the Navy, and the Air Force. Our new officials have been bringing about economy by better planning, better programing, and better operations.

The Joint Chiefs of Staff have had the responsibility for planning the size and kind of military forces and weapons needed for our probable future needs. They came to agreement on the force levels before the military budget was presented to the Congress this year.

Economy in programing is an aim of the entire team of military and civilian officials in the Department. It means that they are giving careful examination to working out the proper balance of all the component parts of a military program—manpower, materiel, and construction requirements.

By better operations, our defense team has been able to cut down on waste and inefficiency wherever they have been found. To achieve economy by this method requires the cooperation of every member of the armed services in a day-by-day effort to save money.

This improved organization and increased efficiency and economy of operation have already produced real results. Additional improvements may be expected in the future, particularly from the work of the Hoover Commission on Organization of the Executive Branch of Government. As a member of that Commission, I know of the studies it has underway into various phases of the activities of the Department of Defense.

WHAT THE BUDGET PROVIDES IN TERMS OF MILITARY STRENGTH

Definite form has been given to the Military Establishment with the passage

of the budget for fiscal year 1955. The total appropriation of $28,800,125,486, when added to the latest estimate of the carryover of $55 billion from previous appropriations, will make a total of $83.8 billion available for expenditure in our Military Establishment. The estimate for 1955 expenditures, however, is only $36 billion—which is about $4 billion less than the $40.2 billion expended for fiscal 1954—hearings before the subcommittee of the Committee on Appropriations, United States Senate, 83d Congress, 2d session, on H. R. 8873; Department of Defense appropriations for 1955.

From the $28.8 billion which we have just appropriated for the coming year, $7,619,066,986 is for the Army; $9,712,823,500 is for the Navy; and $10,927,930,000 is for the Air Force. In addition, the Congress is now working on a separate appropriation for military public works, the bulk of which has been requested for Air Force projects, which will appear before us in just a few days.

These appropriations will provide the level of military strength that has been agreed upon by the President, on the recommendation of the National Security Council and advice of the Joint Chiefs of Staff, and the Congress. It is a level that is realistically related to our military requirements for security and our capacity to maintain a well-balanced economy. Within this budget, we shall have a combat-ready Air Force, Army, Navy, and Marine Corps.

The Air Force will have not only the $10.9 billion appropriated in new funds, but also a $23.8 billion unexpended balance carried over into fiscal 1955. Any future war will require a superior Air Force and, indeed, our use of airpower as a deterrent to war calls for the utmost strength in this arm of the service. Our plan for the next year is to build up our Air Force military personnel from 947,000 to about 970,000. Our wing strength, during the next 3 years, is to be built up to a 137-wing structure by June 30, 1957. At the present time we have 115 wings—having added 12 during the past year—and by June 1955 we expect to have 120. Although some aircraft have been eliminated from the 143-wing program, we did not cut any combat unit aircraft before agreement was reached on the 137-wing objective. We expect that the new aircraft which are coming off the lines to replace old marginal planes will give us greater combat efficiency than we could have expected under our old schedules. There will also be a buildup of the airpower of the other services. The Navy will have 16 carrier air groups and 15 carrier antisubmarine warfare squadrons. The Marine Corps will have three air wings, and the Naval and Marine Corps Air Reserve will be strengthened.

The Army with its appropriation of $7.6 billion in new funds also has available a carryover of $16.6 billion for the coming fiscal year. That has been previously appropriated, but not spent. This may mean a possible reduction to a minimum of 17 divisions, depending on the outcome of organizational studies, but this is only 3 below the peak attained at the height of the Korean war. And never before have we attempted to maintain such large forces over an indefinite period of time. The number of regiments and regimental combat teams will remain the same—18; but there will be an increase in antiaircraft battalions from 117 to 122. The number of National Guard divisions will also increase from 25 to 27. All this means that during the coming year Army military personnel will be reduced from approximately 1,402,000 to 1,173,000. At the same time our Army forces will be maintained on a mobile, flexible basis and in a high state of combat readiness.

The budget for the Navy and Marine Corps—$9.7 billion plus $14.3 billion in carryover funds—is to be used to improve their combat strength. The plan calls for operating 1,080 ships and 9,941 aircraft. Three Marine divisions and 3 Marine air wings will be maintained in a high state of preparedness. New ships and aircraft will be added to the Navy to take the place of those that have become obsolete since World War II. Navy plans provide for the construction of a new aircraft carrier, 5 destroyers, 3 submarines—2 of which will be nuclear powered—8 escort vessels, some amphibious ships; plus the conversion and modernization of a *Midway* class carrier, 3 *Essex* class carriers, and various radar picket vessels.

CONSTANT REVIEW OF POLICY TO MEET CHANGING CONDITIONS

The President, the Joint Chiefs of Staff, the Secretary of Defense and the Secretary of State—all our planning officials emphasize the point that our present military policy and program are based on the facts as we see them today and as far into the future as we can project them realistically. We have today something new in the relationship of man to man—not a national enemy—or group of nations but an international enemy who owes his loyalty to a conspirational concept with incidental geographical roots.

Napoleon is reputed to have said that a revolution is an idea that has found bayonets, and the bayonets today are in the hands of a group of propagandized malcontents who can start a revolution anywhere on the face of the globe. They are armed with more than bayonets, Mr. President. We know their strength.

In a program as vast as ours there is always the opportunity for critics to pick flaws in the details. There is no end to the claims and charges they can make and we can never hope to satisfy all who set up shop as critics. Some of these critics are sincere and genuinely concerned about one phase or another of our defense program. While there probably is some merit to the points they raise, I ask them to enlarge their sights to encompass the whole picture where we have compromised any weaknesses and risks in the details in order to gain balance and strength for the whole. And I would remind them that never in history has any major nation succeeded in reaching perfection in shaping its national defense. And this is so because the imponderables of military preparedness cannot always be translated into such realistic terms as money, men, and munitions.

Then there are other critics whose sincerity is very doubtful. They deliberately look for flaws in order to magnify them into partisan issues calculated to win political ends. My best answer to these people is to expose their fallacies and to describe the well-rounded program we have developed, as I have done here today. After all, the man we have as President today is the man who brought us through the World War safely and victoriously. He has taken a personal and intense interest in our defense program, and if he is satisfied that the program is the best we can devise, then our people need have no fear.

As I sit at the council table with him, and with other leaders of the Senate and the House, I am sure those leaders feel the same way about it and are willing to tell the American people that they feel that way about it.

One thing more. Our plans are not static—they are flexible—and we intend to maintain our initiative to change them in whatever way seems necessary to protect the vital interests of the United States.

OUR TOTAL APPROACH TO NATIONAL SECURITY

In summary, let me say we have approached the problem of maintaining our national security from every possible angle, and have fashioned a policy and program designed to meet the many types of Communist aggression. It is in the nature of defense planning to be prepared for the worst possible contingency. If foresight and imagination can prevent it, we shall not have another Pearl Harbor. But it is our hope that the best will happen as a result of the many different kinds of effort we are making to prevent war.

The problems that we face are not easy of solution. Apparently the cold war is a continuing prospect, and we are meeting it by political, economic, and psychological measures. Another war of the Korean type might break out, or even a series of small wars in several different places. Any of these operations might lead to total warfare, or there might be a major war without much more advance notice than we have already had. Nor can we overlook the possibility that the enemy will resort to all devices short of war, with international relations continuing to take place in an atmosphere of uneasiness.

Yes, Mr. President, war may break out even while I utter these words on the floor of the Senate.

We cannot foretell exactly what will happen or for how long a period this fear and uncertainty will continue. We are confronted with a new type of enemy whose sympathies are not subject to the litmus test of national loyalty—or to use the more appropriate term, patriotism. We know that humans want and desire for individual freedom are subverted to a cause which is absolutely opposed to that very achievement. The religion of communism rejects natural patriotism.

At any rate, it is certain that we cannot be militarily prepared at every possible danger point throughout the world. It would not be feasible from the standpoint of manpower and resources, of the economy and our political institutions,

to dedicate our energies to the maintenance of a garrison state. How then have we chosen to meet the variety of uncertainties with which we are faced?

Our answer, militarily, is to have strong Regular Armed Forces, ready for any type of initial assault and also able to expand rapidly thereafter from partial to total mobilization. We must have trained and ready reserves, new weapons, increased combat effectiveness, and a great productive capacity. All these capabilities must be maintained for an indefinite period of time in order to check the long-term ambitions of the Communist leaders.

The advice of the Joint Chiefs of Staff regarding the force levels needed to meet our probable military requirements will be based upon a continuous examination of the world situation, an estimate of the strength and weakness of the enemy, and our own ability to make adjustments to new conditions. Any change in the calculation of our risks, or in the assumptions upon which our plans are based, will necessarily bring changes in the size and shape of our Defense Establishment.

Military strength, however, is only one factor in our total approach to national security. We shall also give priority to all other means of dealing with the conflicts created by the aggressive nature of communism. The men in the Kremlin are animated by a strong compulsion to arrange a series of advances for their ideology. Steps or stages in the "world revolution," they call them. To meet their predatory tactics, we must maintain the initiative on all fronts—spiritual, political, diplomatic, economic, and psychological—keeping our minds and conscience clear, our guns clean, and our powder dry while we seek victory along lines that will ultimately insure international stability and peace.

THE AGRICULTURAL ACT OF 1954

Mr. HUMPHREY. Mr. President, yesterday I read an Associated Press news story whose headline reads as follows: Carryover Assures Plenty of Livestock Feed, Benson Says.

It goes on to say:

Secretary of Agriculture Benson said today there will be plenty of corn and other feed for the Nation's big livestock industry despite a 15-percent drop caused by drought in the size of the prospective crop.

The indicated corn crop will not be large enough by itself to meet all livestock needs, but farmers have on hand from previous years a record supply on which they can draw, Mr. Benson said.

The Senator from Minnesota has repeatedly said that the prospects for the corn crop during the early part of this year were not particularly good. I have made note of the desirability of carrying over of excesses or reserves of corn.

As this article explains, the amount of the carryover which we will have as a result of the short crop this year, with which to meet the needs of our livestock and the other feed requirements, will be relatively low. In fact, it will be below the normal requirements which are prescribed by law. I believe we would do well to keep this article in mind, because we may be faced with exactly the same situation.

I ask unanimous consent to have the article printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CARRYOVER ASSURES PLENTY OF LIVESTOCK FEED, BENSON SAYS

Secretary of Agriculture Benson said today there will be plenty of corn and other feed for the Nation's big livestock industry despite a 15-percent drop, caused by drought, in the size of the prospective crop.

The indicated corn crop will not be large enough by itself to meet all livestock needs, but farmers have on hand from previous years a record supply on which they can draw, Mr. Benson said.

Some of this grain is held in the Government's $6,250,000,000 stockpile of farm surpluses, acquired under the price-support program.

But, Mr. Benson added, the prospective small corn crop may put a brake on the current sharp uptrend in production of hogs and poultry.

CORN PROSPECTS REDUCED

In its monthly crop report yesterday, the Agriculture Department said searing hot temperatures and dry weather during July reduced corn prospects 487 million bushels below its previous forecast of 3,311,000,000 bushels, and about 350 million below last year's harvest.

The adverse weather also hurt the prospects for some other crops, including soybeans, peanuts, sorghums, and hay. The aggregate volume of all crops declined, the Department said, by about 5 percent during the month.

But recent rains have brought partial relief. The Weather Bureau, in its weekly crop bulletin, said yesterday the past week had brought improvement in the crop output in the northern two-thirds of the country.

In a statement on the drought, Mr. Benson said it served as a reminder that we need to maintain safe reserves of farm commodities in the national interest.

BIG CORN CARRYOVER

The Department has estimated there will be a carryover of 950 million bushels of corn from previous crops on October 1. This supply has been described by Mr. Benson as being in excess of a normal reserve for safety requirements. He invoked planting allotments on this year's crop in an attempt to bring the surplus supply down.

It appears now that the drought and the allotments may pare away that portion of the carryover supply described as surplus, leaving a more nearly normal reserve on hand a year from now.

If that does happen, Department officials said, it might mean a somewhat higher support price for the 1955 corn crop under flexible price supports than would have been the case had there been no drought loss.

Offsetting to some extent the estimated loss of corn is the forecast of a record crop of 1,529 million bushels of oats, also an important livestock feed.

The Department made a slight reduction in its estimate of the wheat crop, but this did not alter the picture of heavy surpluses of this grain or change plans for further cutbacks in production next year under rigid Federal controls.

Mr. HUMPHREY. Two nights ago the Senate adopted the Humphrey amendment to the farm bill. The amendment protects the rights of farmers to elect fellow farmers of their own choice to serve on county committees administering the farm program. The Senate reaffirmed that vote by refusing to reconsider the vote. Later the chairman of the Committee on Agriculture and Forestry, the Senator from Vermont [Mr. AIKEN] moved that the Senate insist on its amendments, and request a conference thereon with the House of Representatives. According to the CONGRESSIONAL RECORD, at page 13938, that motion was agreed to.

However, as of yesterday, the news ticker carried the statement, attributed to the Senator from Vermont, the chairman of the Committee on Agriculture and Forestry, that he will ask the conference committee to strike out the amendment adopted by the Senate, on which the Senate had instructed him to insist.

I merely wish to bring this matter to the attention of my colleagues, because, if I am not mistaken, once the Senate takes a vote and that vote is reconsidered and reaffirmed, as it was in this instance, there is a moral obligation upon the conferees of the Senate in conference with the conferees on the part of the House to insist upon the Senate amendment and to maintain that amendment to the best of their ability.

I serve notice now that I shall carefully watch the conference report, because this amendment is highly desirable, and I believe most of my colleagues will agree with me.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its clerks, announced that the House had severally agreed to the amendment of the Senate to the following bills of the House:

H. R. 3216. An act for the relief of E. C. Mills;

H. R. 3217. An act for the relief of Mrs. Florence D. Grimshaw;

H. R. 3273. An act for the relief of Edgar A. Belleau, Sr.;

H. R. 3732. An act for the relief of Catherine (Cathrina) D. Pilgard;

H. R. 3951. An act for the relief of Frank C. Koch;

H. R. 4175. An act for the relief of Charles R. Logan;

H. R. 4329. An act for the relief of Huntington, McLaren & Co.;

H. R. 4474. An act for the relief of Frederick Joseph Buttaccio;

H. R. 4531. An act for the relief of Lyman Chalkley;

H. R. 4580. An act for the relief of the Florida State Hospital;

H. R. 5028. An act for the relief of Petra Ruiz Martinez and Marcelo Maysonet Mirell and Maria Benitez Maysonet Mirell;

H. R. 5086. An act for the relief of George Eldred Morgan;

H. R. 5092. An act for the relief of Robert Leon Rohr;

H. R. 5489. An act for the relief of Rocco Forgione;

H. R. 5986. An act for the relief of Harold E. Wahlberg;

H. R. 6332. An act for the relief of James Philip Coyle;

H. R. 6562. An act for the relief of Capt. C. R. MacLean;

H. R. 6566. An act for the relief of Daniel D. Poland;

H. R. 7413. An act for the relief of Harold J. Davis;

H. R. 7835. An act for the relief of S. Sgt. Frank C. Maxwell; and

H. R. 8252. An act for the relief of the city of Fort Smith, Ark.

The message also announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H. R. 5460. An act for the relief of Chancy C. Newsom; and

H. R. 5461. An act for the relief of Wah Chang Corp.

TRANSPORTATION OF WATERBORNE CARGOES IN UNITED STATES-FLAG VESSELS

The PRESIDING OFFICER (Mr. MORSE in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 3233) to amend the Merchant Marine Act, 1936, to provide permanent legislation for the transportation of a substantial portion of waterborne cargoes in United States-flag vessels, which was, on page 2, line 21, after "agencies" insert ": *And provided further,* That the provisions of this subsection shall not apply to cargoes carried in the vessels of the Panama Canal Company."

Mr. KNOWLAND. Mr. President, I should like to ask the distinguished Senator from Maryland if this matter has been taken up by him with the ranking minority member of the committee and with the acting minority leader?

Mr. BUTLER. That is correct.

Mr. KNOWLAND. Mr. President, will the Senator give a brief explanation of the amendment of the House?

Mr. BUTLER. The bill was passed by the Senate on the call of the calendar. When it passed the House it passed with an amendment exempting ships of the Panama Canal Company. That is the only amendment which was made.

I move that the Senate concur in the House amendment.

The motion was agreed to.

THE CALENDAR

Mr. KNOWLAND. Mr. President, I suggest the absence of a quorum before making a unanimous-consent request relative to the call of the calendar of bills which were placed at the foot of the calendar.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KNOWLAND. Mr. President, I ask unanimous consent that the order for the call of the roll be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KNOWLAND. Mr. President, I ask unanimous consent that the unfinished business may be temporarily laid aside and that the Senate proceed to the consideration of bills on the calendar to which there is no objection, limited to those which went to the foot of the calendar at the last call of the calendar.

The PRESIDING OFFICER (Mr. CASE in the chair). Without objection, it is so ordered.

The clerk will call the first order of business under the unanimous-consent agreement.

CREATION OF CERTAIN UNITED STATES JUDGESHIPS—BILL PASSED OVER

The bill (S. 2910) providing for the creation of certain United States judgeships, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. McCARRAN. Mr. President, this is a bill to create certain new judgeships in United States courts, and to change some judicial districts. I think the bill should not be taken up on the call of calendar, but should be called up when it can be fully discussed.

Mr. KNOWLAND. The Senator from Nevada might suggest, then, that the bill go over.

Mr. McCARRAN. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED TO FOOT OF CALENDAR

The bill (S. 2601) to provide for Federal financial assistance to the States and Territories in the construction of public elementary and secondary school facilities was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SMATHERS. I shall have to ask, by request, that the bill go over.

Mr. HENDRICKSON. Mr. President, will the Senator withhold his request?

Mr. SMATHERS. I am happy to do so.

Mr. HENDRICKSON. The Senator from Kentucky [Mr. COOPER] will be in the Chamber in a few minutes. I dislike to ask that the bill go to the foot of the calendar, but I think it wise that I should do so, because I believe the Senator from Kentucky desires to make a statement for the record.

Mr. SMATHERS. It is perfectly agreeable to the minority calendar committee that the bill go to the foot of the calendar.

The PRESIDING OFFICER. Without objection the bill will be passed to the foot of the calendar.

SANTA MARIA PROJECT, CALIFORNIA—BILLS PASSED OVER

The bill (H. R. 2235) to authorize the Secretary of the Interior to construct the Santa Maria project, South Pacific Basin, Calif., was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. JOHNSTON of South Carolina. Mr. President, I objected to consideration of the bill on the previous call of the calendar. I now withdraw my objection.

Mr. MORSE. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. KUCHEL subsequently said: Mr. President, I understand the Senator from Oregon interposed an objection to Calendar No. 1801, H. R. 2235. I merely wished to ask him whether or not he was quite sure that that was a bill to which he desired to object, since I had understood earlier he had no objection to the bill.

Mr. MORSE. Mr. President, when I talked to the Senator from California this afternoon I told him I did not think I had objection to the bill, that I was not sure which bill we were talking about, and that I would look into it. I did look into it, and I found that I did have an objection to the bill.

Mr. KUCHEL. Could the Senator from Oregon indicate the general nature of his objection?

Mr. MORSE. I shall be glad to make a statement of my objection to the bill. The bill is authorization for the Secretary of the Interior to construct the Santa Maria project in California. As the bill now reads, it contains the following proviso, which I object to:

> *Provided,* That in view of the special circumstances of the Santa Maria project, neither the provisions of the third sentence of section 46 of the act of May 25, 1926 (44 Stat. 636, 649) nor any other similar provision of the Federal reclamation laws shall be applicable thereto.

A pertinent portion of the sentence referred to, which is to be found in section 423e of title 43, of the United States Code, and United States Code Annotated—title 43, United States Code Annotated, section 423e—reads as follows, beginning with a reference to irrigation district contracts with the Secretary of the Interior:

> Such contract * * * shall further provide that all irrigable land held in private ownership by any one owner in excess of 160 irrigable acres shall be appraised * * * and the sale prices thereof fixed * * * on the basis of its actual bona fide value at the date of appraisal without reference to the proposed construction of the irrigation works; and that no such excess lands so held shall receive water from any project or division if the owners thereof shall refuse to execute valid recordable contracts for the sale of such lands under terms and conditions satisfactory to the Secretary of the Interior and at prices not to exceed those fixed by the Secretary of the Interior.

Mr. President, the exemption from the above excess-lands provision in the Federal reclamation laws was made for the Santa Maria project as an amendment to the original bill (H. R. 2235) by the House Committee on Interior and Insular Affairs. The committee amendment so proposed was agreed to by the House of Representatives with the further amendment that such exemption should apply only "so long as the water utilized on project lands is acquired by pumping from the underground reservoir."

The exemption provision, with a further amendment relating to a repayment contract, has been reported favorably by the Senate Committee on Interior and

Insular Affairs, and therefore is in the bill now on the calendar.

The printed committee hearings—which are serial No. 5, for April 29, 30, and May 19, 1953, before the House Subcommittee on Irrigation and Reclamation—and the committee reports—which are House Report No. 1098 and Senate Report No. 1789—do not present a convincing argument to warrant excluding this particular project from the operation of the excess-lands provisions of the Federal reclamation laws.

I want to make it abundantly clear that I am not objecting to authorization of construction of the project, but I am heartily opposed to suspending operation of an important element of our national laws, namely, the acreage limitation. To permit the proposed exemption, to favor a few owners of excess lands, to be written into the law by the Congress for a particular project, would do violence to our national policy on the subject. An exemption would be justified only on a clear showing of unusual circumstances meriting suspension of the normal application of the basic law. I fail to find such circumstances in the present case.

The acreage limitation provision was written into the great Reclamation Act of 1902 to carry forward similar provisions in public-land laws of the preceding century to encourage the working farmer and his family and to combat land monopoly and speculation. Simply stated, it was considered to be in the best interests of the country—socially, economically, and politically—to assist individual farmers and their families, and to prevent federally financed water projects from being the means of greatly enriching owners of large tracts of land. This national policy of acreage limitation has withstood the initial attacks, and opposition over the years, directly made by some large landholders. The Congress has turned back all direct attacks. The policy has been supported by all administrations, Democratic and Republican alike, until this one. Are we now to see opposition take the form of flank attacks instead of frontal attacks? Are we to see the attacks made through the device here proposed for the Santa Maria project—as an exemption from the regular workings of the law?

This would be just one more example of a giveaway. This would be another example of a whittling away at precious property rights and opportunities for the many as against the selfish interests of a few.

This exemption approach would amount to a victory for large landholders—a total of only 13 in the Santa Maria area—and a congressionally issued encouragement to all large landowners elsewhere to seek similar exemptions for all future projects. Such victories, project by project, would have a disastrous effect on the national land and water policy, because it would practically give them success on an issue as to which they have never been able to be successful by direct attack.

In order to examine the alleged "special circumstances of the Santa Maria project"—which is the language of the bill as the grounds for granting the exemption—for us to determine if a sound reason does exist, let us take a look at the proposed project as revealed in the hearings before the House subcommittee and in the House committee and Senate committee reports.

The purpose of H. R. 2235 is to authorize the Secretary of the Interior to construct the Vaquero Dam and Reservoir project for irrigation and the conservation of water, flood control, and for other purposes, on the Santa Maria River in the Southern Pacific Basin of California. There has been joint planning by the Bureau of Reclamation of the Department of the Interior and of the Corps of Engineers of the Department of the Army. The works which enactment of the bill would authorize are those recommended to be constructed by the Bureau of Reclamation, and consist of a 214,000 acre-foot Vaquero Reservoir on the Cuyama River and appurtenant facilities. Related flood-control levees and channel improvements in the Santa Maria Valley, below the Cuyama River, would be constructed by the Corps of Engineers under authorization separate from this bill. The report of the Secretary of the Interior showed that construction of the levee system by the Corps of Engineers was anticipated as part of the overall plan of development.

The Santa Maria River is formed by the confluence of the Sisquoc and Cuyama Rivers at Fugler Point, about 10 miles east of the city of Santa Maria in Santa Barbara County, Calif. From Fugler Point, the river runs westward for approximately 20 miles, entering the Pacific Ocean near Guadalupe. The project service area is composed of the Santa Maria Valley, the adjoining Sisquoc Valley, and adjacent upland areas, most of which are south of the Santa Maria Valley.

All irrigation, municipal, and industrial water now used in the service area is obtained by pumping from the common underground basin, underlying the entire area. Agricultural water supplies are, and will continue to be, obtained by pumping privately owned wells. The recharge of the groundwater basin is accomplished from rainfall and streamflows in the river and its tributaries. The reservoir, the only structure required for the reclamation project, will increase the total annual water supply available in the common underground basin to permit satisfactory continued irrigation of about 38,000 acres, although the present ground storage supply is sufficient, on a premanent basis, under natural conditions of runoff and percolation, for only 27,000 acres. So the project is one of conservation of water.

Construction of the 184-foot-high earth-fill Vaquero Dam and Reservoir on the Cuyama River 7 miles from the city of Santa Maria would make possible the retention of waste water during flood periods, and the later release of this water during the dry season into the Santa Maria River channel, at a rate not greater than the percolation capacity, thus providing for the entire stored flow to seep into the underground storage basin (i. e., ground-water reservoir). No surface-water delivery would be made to irrigators. Thus, floodwater which would otherwise be wasted will be conserved and placed in the underground storage basin. At least this is the intention of the project.

Does this commingling of waters in a common source basin underground—from which each water user in the area pumps his needs in privately owned wells—create such insurmountable obstacles to orderly, reasonable, and equitable administration of land limitation provisions as to demand that such provisions be made inoperative with respect to this project? I cannot agree that it does. It can be readily seen that mechanical means of control of project water supplies are unavailable. But this does not mean that there are no means available for enforcing the provisions of the land limitation provisions of the law. The reclamation law now provides that ownership of land receiving, or to receive, water benefits from federally financed reclamation projects shall be restricted to 160 acres a person, or 320 acres owned by husband and wife. Owners of excess lands must agree to divest themselves of ownership of those excess lands within a certain amount of time in the future. Here, then, is the mechanism for obtaining compliance with the basic provisions of the law: The Congress should make it a condition precedent of the Santa Maria authorization bill that no funds subsequently appropriated to carry out the authorization shall be spent unless and until all excess landholders have signed recordable contracts agreeing to divest themselves within a stated period of time of their excess lands. This surely works no hardships on anyone, and does prevent excess landholders from dictating project terms to the Congress of the United States.

It is asserted in committee hearings that two excess landholders, the Union Sugar Co. and the LeRoy family, owning land at the western end of the area, cannot immediately derive benefits from the project, although it is admitted that their lands will ultimately benefit. This, then, would appear to be a possibly reasonable argument for extending the deadline by which their excess lands have to be sold. That possibility should be explored. But a reasonable argument like this for an extension of a deadline because of delayed project benefits should not be permitted as justification for exemption entirely from the acreage limitation provisions. And, to be orderly and use good business form, the Government should insist upon the signing of valid recordable contracts to sell the land at a future date. The signing of such contracts should be done by every excess landholder before any Federal funds are expended on the project.

There are 11 other excess landholdings at the upper portion of the valley. Since there is no showing that water benefits to these lands will be delayed, there is no basis for extension of the deadline for them, and even less reason for permitting them an exemption.

Incidentally, only two of the excess landholders are identified by name: the Union Sugar Co. and the LeRoy family. Although testimony before the House subcommittee was to the effect that these two excess landowners are willing

to participate in the payment of costs of the Santa Maria project if they are exempt from operation of acreage-limitation provisions, there is no testimony to the converse; that is, there is no showing that the large landholders will refuse to participate in the project district if they have to comply with acreage limitation. Therefore, I feel the Congress should not be cowed by the possibility of threatened refusal to cooperate. To be cowed by such a possibility is hardly to decide a case on its merits. Even when the threat has been made, as it was for the Elliott rider to the 1944 rivers and harbors bill, the Congress rejected it.

I come to the conclusion, Mr. President, that there is no valid basis for suspending acreage limitations for the Santa Maria project.

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mr. KUCHEL. Mr. President, I ask unanimous consent that I be given 3 additional minutes.

Mr. MORSE. I yield the remainder of my time to the Senator from California. Let me close by saying, Mr. President, that I feel we have an issue here of such importance that we should not try to handle it on the Unanimous Consent Calendar.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from California to speak for 3 additional minutes? The Chair hears none, and it is so ordered.

Mr. KUCHEL. Mr. President, I regret with all my heart that the Senator from Oregon has seen fit to interpose an objection to the bill. The facts were completely developed, not only in the House of Representatives, both in committee and on the floor, but they were likewise developed in the Senate Committee on Interior and Insular Affairs. The fact is that the dam, agreed to be built both by the Army engineers and the Department of the Interior, would provide a storage for water which would percolate into the ground. There would be no surface distribution. As a result, it is physically and legally impossible to apply the 160-acre restriction, or restrictions of any other kind or character.

Among those in the House of Representatives from the State of California is a friend of mine, a Democrat from the city and county of San Francisco, a past president of the State Federation of Labor, and one who is completely devoted to continuing in the law the 160-acre limitation. I read from page A858 of the daily CONGRESSIONAL RECORD Appendix for February 3, and I quote from Representative SHELLEY, who went all through the hearings:

> Mr. SHELLEY. Madam Chairman, when this bill was first proposed I was inclined to oppose it because I am a very ardent supporter of the 160-acre limitation law as applied to lands which receive the benefit of irrigation water developed by public funds. I think the 160-acre limitation which has been in our law for some 50 years or longer has been a great boon to the development of the family sized farm in western lands particularly, and has certainly contributed to a sound economy in the development of farming areas by families. It has stood in the way of the large factory farm, or the corporation farm, as we call them in California, getting undue benefits from the expenditure of public funds and getting irrigation water which they could pay for with their own funds.
>
> After discussing the proposal with members of the committee I realize that there has been a continuous practical problem as to the measurement of the underground water and earmarking from whence that water comes and to whom it goes, and how much is used. I have therefore offered this amendment—

The amendment, I observe parenthetically, to which my friend, the Senator from Oregon now refers—

> to the committee amendment which will limit the exemption of the 160-acre law to the distribution of underground waters only, so that if at any time in the future there is any effort to distribute the waters impounded by this dam in this project by surface distribution, then automatically, as I understand this amendment and as I have been assured by those who have studied the subject, the 160-acre limitation will apply; and I am happy that the committee is willing to accept the amendment.

Mr. President, what more can I say? I come to the floor of the Senate, with everyone in agreement; and in this matter I have done my best to persuade my friend, the Senator from Oregon, to agree regarding what constitutes a unique situation, namely, that there will be no surface distribution of the water, but the water will percolate into the ground, or, if the water is not conserved back of the dam, the water will waste away into the sea.

On that basis, I wish to say that I regret exceedingly that I am placed in this position on this bill, to which I thought the Senator from Oregon had no desire to interpose objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MORSE. Mr. President, I have used up my time; have I not?

The PRESIDING OFFICER. That is correct.

Mr. MORSE. May I have a little additional time?

Mr. KUCHEL. Mr. President, I ask unanimous consent that the Senator from Oregon be permitted to proceed for 2 additional minutes at this time.

The PRESIDING OFFICER. Is there objection?

Without objection, the Senator from Oregon may proceed for 2 minutes more.

Mr. MORSE. Mr. President, I wish to make just two suggestions. I hope the bill will be set for the next call of the calendar, if we have one at this session of Congress; and, if not, I hope the majority leader will bring up the bill by motion, because I wish to assure the junior Senator from California that I have no desire to prevent the passage of the bill, if a discussion of the bill will bear out the very persuasive premises he has laid down in his remarks this evening. However, the information I have regarding the bill is in conflict with some of the observations which have been made by the Senator from California. Of course, I know that any difference would be a perfectly sincere and honest one.

So I must ask that the bill go over, tonight; and I make that request in the hope that we can have a further discussion of the bill, either by way of motion between now and the next call of the calendar, or during the next call of the calendar. Meantime, I can check against the observations which have been made this evening by the Senator from California, the information I have in regard to the bill.

I assure the Senator from California that I am not seeking to use any parliamentary tactic to prevent the taking of action on the bill at this session of Congress; but my present opinion is that the bill should not be considered tonight, during the call of the Unanimous Consent Calendar.

Therefore, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. JOHNSTON of South Carolina. Mr. President, I ask unanimous consent that the bill be placed at the head of the uncontested bills to be called at the next call of the calendar.

Mr. MORSE. I join in that request.

The PRESIDING OFFICER. The Chair is informed by the Parliamentarian that there is difficulty in ascertaining what the uncontested bills would be.

The Senator from South Carolina might request that the bill be called at the next call of the calendar.

Mr. JOHNSTON of South Carolina. I so request, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

BILL PASSED OVER

The bill (S. 620) to provide authorization for certain uses of public lands was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MORSE. Over.

The PRESIDING OFFICER. The bill will be passed over.

EXTENSION OF TIME FOR ENTERING INTO AMENDATORY REPAYMENT CONTRACTS

The bill (H. R. 8027) to amend the act of March 6, 1952 (66 Stat. 16), to extend the time during which the Secretary of the Interior may enter into amendatory repayment contracts under the Federal reclamation laws, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. Mr. President, I objected to the bill at the last call of the calendar, because the Senator from North Dakota [Mr. LANGER] had entered an objection. I am advised that he has withdrawn his objection, so there is now no objection to the bill.

The PRESIDING OFFICER. Objection having been withdrawn, the bill will be considered.

The bill was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3219) to amend certain provisions of title XI of the Merchant Marine Act of 1936, as amended, to facilitate private financing of new ship construction, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. WILLIAMS. Mr. President, I have discussed the bill with the Senator from Maryland [Mr. BUTLER], and he has agreed that the bill should be considered for a longer time than is possible under the 5-minute rule. Therefore, I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

CLAIMS ARISING FROM CONSTRUCTION OF ELEPHANT BUTTE DAM

The Senate proceeded to consider the bill (S. 417) conferring jurisdiction upon the United States District Court for the District of New Mexico to hear, determine, and render judgment upon certain claims arising as a result of the construction by the United States of Elephant Butte Dam on the Rio Grande, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 6, after the word "within", to strike out "six" and insert "two", so as to make the bill read:

Be it enacted, etc., That, notwithstanding any statute of limitations or lapse of time or any limitation upon the jurisdiction of the United States district courts to hear, determine, and render judgment on claims against the United States, jurisdiction is hereby conferred upon the United States District Court for the District of New Mexico to hear, determine, and render judgment upon any claim against the United States for compensation for the taking of or for damage to real or personal property as a result of the construction by the United States of Elephant Butte Dam on the Rio Grande.

SEC. 2. Suit upon any such claim may be instituted by the owner of the property with respect to which the claim is made or by his heirs at any time within 2 years after the date of enactment of this act. Proceedings for the determination of any such claim and review thereof and payment of any judgment thereon shall be in accordance with the provisions of law applicable in the case of the taking by the United States of private property for public use, but nothing contained in this act shall be construed as an inference of liability on the part of the United States Government.

The amendment was agreed to.

Mr. SMATHERS. Mr. President, on behalf of the Senator from Texas [Mr. DANIEL], I offer an amendment, which I ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 2, line 13, it is proposed to change the period to a colon and insert the following:

Provided, That no judgment hereunder shall become the liability of or chargeable to the Elephant Butte Irrigation District of New Mexico or the El Paso County Water Improvement District No. 1 of Texas.

Mr. CHAVEZ. Mr. President, I have discussed the amendment with the Senator from Texas [Mr. DANIEL]. It is entirely satisfactory to me, because no liability will accrue to New Mexico.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CITY OF SANDPOINT, IDAHO

The bill (S. 3166) for the relief of the city of Sandpoint, Idaho, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MORSE. Over.

Mr. DWORSHAK. Mr. President, will the Senator from Oregon withhold his request that the bill be passed over?

Mr. MORSE. I withhold my request.

Mr. DWORSHAK. Mr. President, the bill was drafted in cooperation with the United States Army Corps of Engineers. When the Albeni Falls Dam was built on the Idaho-Washington border—construction is now being completed—the raising of the water level at Sandpoint disrupted the operations of the local municipal sewage system. The Army engineers recognized that they had a responsibility to cooperate with the municipal government to provide some alternative plan for the disposal of the sewage.

After considerable consultation, the Army engineers have suggested this particular bill, to which the committee added one proviso, namely:

That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. President, I am certain the Senator from Oregon will recognize that the bill involves the loss of no funds to the Federal Government, by virtue of the fact that the expense involved for the replacement of the municipal sewage system, amounting to $98,200, will be charged to the Albeni Falls Reservoir project, and will be reimbursed in full to the Government. There are three power units, as the Senator from Oregon well knows. There will be no monetary loss to the Government.

Mr. MORSE. Reserving the right to object, I shall make a brief statement, and then perhaps the Senator from Idaho and I can come to some understanding about the one problem which concerns me on the facts, as I understand the facts to be.

The bill seeks to authorize and direct the Secretary of the Treasury to pay to the city of Sandpoint, Idaho, the sum of $98,200 in satisfaction of all claims of such city against the United States for necessary expenses incurred by that city in the construction of a new sewage disposal plant, the construction of such plant being made necessary as a result of the construction and operation by the Corps of Engineers of Albeni Falls Dam.

In 1953, the city of Sandpoint undertook the obligation to convey a perpetual flowage easement over portions of the existing sewage system for a consideration of $45,000, to be paid by the United States to that city. A clause in the deed reads as follows:

Grantor, in consideration of the specified sum above written, does hereby release the United States * * * from all claims for damages that have accrued or may hereafter accrue to any or all of the above-described lands by reason of the overflow of water occasioned by the construction and operations of the said Albeni Falls project.

The city now contends that payment for the flowage easement has not adequately compensated the city for its loss, and that it believes that the United States should stand "at least a part" of the additional cost of maintenance and operation of the new sewage-disposal facilities which it proposes to construct.

The case is now pending in the United States district court, but a decision has not yet been reached. That is the point which troubles me.

In this case the city, in 1953, entered into what it thought was a perfectly satisfactory arrangement. Apparently it has now discovered that it did not strike a very good bargain with the Federal Government, and it feels it should get an additional sum from the Federal Government. The case has been taken to court.

As a matter of policy, I do not like the idea of Congress enacting legislation when issue has been joined in the courts. I think, under the circumstances, it would be better to wait and see what the court decision is. If the Senator feels, after the court decision, that some equities still accrue to the city, the question can be taken up at that time.

I do not believe there is any great emergency which necessitates the handling of the bill in the closing days of this session, while the court case is still pending.

On the other side of the picture, the Senator from Idaho is completely correct when he points out that the Corps of Engineers feels that the amount of money which is provided for in the bill is reasonable, and that the Secretary of the Army, as the record of the case shows, does not object to the bill.

I should like to hear the Senator for a moment on the point I have raised. My objection goes to what I think is a pretty sound policy, namely, that we should not be passing a bill on a matter that has been taken to court. The processes of the court have been invoked. Under those circumstances I think we ought to wait for a court decision, and subsequently, if we think there is justification for legislation, proceed with legislation, at that time. I should like to hear the Senator from Idaho on the question of whether or not I am wrong in my observation that there will be plenty of opportunity, come January, to take care of the case if the court decision

does not seem to do equity to the city. So long as it is in the court already, why not wait for the court decision?

Mr. DWORSHAK. So far as the Senator from Idaho is concerned, I shall not press the point insofar as the case pending in the court is concerned. I think the Senator from Oregon has taken a reasonable position. The bill was introduced last March, after several months of negotiation, at the request of the Corps of Army Engineers. The Senator from Idaho was simply trying to cooperate. I presume there is some significance in the fact, if I may be pardoned for injecting a political overtone, that the Attorney General for the city of Sandpoint is the Democratic nominee for Lieutenant Governor. I was simply trying to do everything I could to cooperate with him. [Laughter.]

Mr. MORSE. I assure the Senator from Idaho that I did not know anything about the political overtones or undertones. I now pledge my cooperation, come January, in the event that at that time it is necessary to consider legislation based on the court decision.

The PRESIDING OFFICER. The bill will be passed over.

CARL PIOWATY AND W. J. PIOWATY

The Senate proceeded to consider the bill (H. R. 1665) for the relief of Carl Piowaty and W. J. Piowaty, which had been reported from the Committee on the Judiciary with amendments, on page 1, line 6, after the words "sum of", to strike out "$4,450" and insert "$5,873.33"; in line 8, after the word "States", to insert "which represents principal and interest paid"; and on page 2, line 4, after the word "Act", to strike out "in excess of 10 percent thereof."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ESTABLISHMENT OF MOTOR-VEHICLE POOLS AND TO PROVIDE OFFICE FURNITURE AND FURNISHINGS

The Senate proceeded to consider the bill (H. R. 8753) to amend the Federal Property and Administrative Services Act of 1949, as amended, to authorize the Administrator of General Services to establish and operate motor vehicle pools and systems and to provide office furniture and furnishings when agencies are moved to new locations, to direct the Administrator to report the unauthorized use of Government motor vehicles, and to authorize the United States Civil Service Commission to regulate operators of Government-owned motor vehicles, and for other purposes, which had been reported from the Committee on Government operations with amendments, on page 5, line 11, after the word "accounting", to strike out "Payments to the General Supply Fund for motor vehicle pools or systems services shall be accounted for as other contractual services."; on page 7, line 12, after the word "payment", to strike out "to" and insert "by"; in line 17, after the word "authorizing", to insert "civilian"; on page 11, line 2, after "write-off", to strike out "when" and insert a period and "When"; in line 19, after the word "designed", to strike out "and" and insert "or", and in line 22, after the word "depot", to insert "and any vehicle regularly used by an agency in the performance of investigative, law enforcement, or intelligence duties if the head of such agency determines that exclusive control of such vehicle is essential to the effective performance of such duties."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

APPOINTMENT OF FOREIGN SERVICE OFFICERS FROM DEPARTMENT OF STATE OR FROM FOREIGN SERVICE TO CERTAIN CLASSES

The bill (S. 3778) amending section 413 of the Foreign Service Act of 1946 was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. Mr. President, reserving the right to object, although I shall not object, once more I should like to ask the distinguished senior Senator from Wisconsin [Mr. WILEY], whether there is in the bill anything to prevent Senate confirmation of the appropriate officials in either of these two services.

Mr. WILEY. No.

Mr. President, I understand that an amendment is to be submitted to the bill.

First, I ask unanimous consent that, in lieu of considering Senate bill 3778, Calendar No. 1963, the Senate now proceed to consider Calendar No. 2388, House bill 9910, a companion bill.

The PRESIDING OFFICER. The bill will be read by title, for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 9910) to amend section 413 (A) of the Foreign Service Act of 1946.

Mr. SMATHERS. Mr. President, I wish to offer to House bill 9910 an amendment, on behalf of the Senator from Oklahoma [Mr. MONRONEY] and the Senator from Montana [Mr. MANSFIELD].

The PRESIDING OFFICER. Before that is done, let the Chair put the pending question:

Is there objection to the request for the present consideration of House bill 9910?

There being no objection, the Senate proceeded to consider the bill (H. R. 9910) to amend section 413 (A) of the Foreign Service Act of 1946.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. SMATHERS. Mr. President, I offer the amendment which I send to the desk and ask to have stated. As previously stated, the amendment is offered on behalf of the Senator from Oklahoma [Mr. MONRONEY] and the Senator from Montana [Mr. MANSFIELD].

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 1, in line 9, after the word "appointed", it is proposed to insert "from the classified civil service or the Foreign Service reserve or Foreign Service staff."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida.

Mr. MCCARRAN. Mr. President, may we have an explanation of the purpose of the amendment?

Mr. MANSFIELD. Mr. President, the purpose is simply to continue to make possible the transfers which now can be made within the Department of State.

Mr. MCCARRAN. I do not quite understand. At this time, I ask unanimous consent to have read at the desk an explanatory letter from the State Department.

The PRESIDING OFFICER. Without objection, the letter will be read.

The legislative clerk read as follows:

DEPARTMENT OF STATE,
Washington, August 11, 1954.

The Honorable ALEXANDER WILEY,
United States Senate.

DEAR SENATOR WILEY: It has come to my attention that certain of your colleagues have some apprehensions with respect to S. 3778. In this connection I wish to assure you that no position in the Passport Office or Visa Office which is currently occupied by a civil service employee will be reclassified as a Foreign Service position with standards of eligibility to preclude the present incumbent from qualifying to retain that position, except with respect to the 21 positions in the Passport Office which the Director of that Office has recommended be so reclassified.

I feel that it is of the utmost importance that the Foreign Service Act of 1946 be amended as provided in S. 3778 in order that my program for improving and strengthening the personnel administration of the Department of State may proceed. The manner in which this program is administered during the next few months will be subject to review by the 84th Congress when it convenes in 1955. At that time there will be adequate opportunity for any necessary adjustments.

Sincerely yours,

JOHN FOSTER DULLES.

Mr. MCCARRAN. Mr. President, I should like to have some Senator explain the amendment which has been offered, in light of the letter which has just been read.

Does the Senator from Wisconsin care to explain the amendment?

Mr. WILEY. I have not seen the amendment. I talked to the Senator from Montana [Mr. MANSFIELD] about it, and he said he had cleared it with the Democratic side; and the amendment appeared to me to be all right.

The Senator from Montana can explain the amendment.

Mr. MANSFIELD. Mr. President, let me say to the Senator from Nevada that there is no conflict between the sentiments expressed in the letter which he has just had read to the Senate and the amendment, because the purpose is to continue the situation which exists at the present time.

Mr. MCCARRAN. Let me see if I correctly understand the amendment. As

I understand it, the amendment will exempt the newly appointed civil-service employees from the effect of the bill. Is that correct?

Mr. MANSFIELD. That is correct.

Mr. SMATHERS. The reference is to the non-civil-service appointees. As I understand, the amendment will permit those who already are working within the State Department, under classified civil-service status, to move over into the Foreign Service at the same status at which they left the classified civil service; but the amendment does not authorize other than that. It would not authorize others to do so.

Mr. McCARRAN. I understand that it does not permit it, but rather limits it.

Mr. SMATHERS. That is correct.

Mr. McCARRAN. In view of the letter which has been read to the Senate, and with the explanation of the amendment, I have no objection. Otherwise I would have objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. SMATHERS].

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The PRESIDING OFFICER. Without objection Senate bill 3778 is indefinitely postponed.

Mr. WILEY. Mr. President, I ask unanimous consent to have printed in the RECORD a statement which I have prepared on this subject.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR WILEY

The fundamental purpose of this amendment is to make it possible for the more expeditious transfer into the Foreign Service of the United States of civil service officers in the Department of State who have served in the Department for a minimum of 3 years.

At the present time, section 413 of the Foreign Service Act requires that when officers of the Department of State have qualified for transfer to the Foreign Service and are seeking what is known as lateral entry to the Service, their salaries must be fixed at the lowest rate in the class to which they are admitted. Let me illustrate.

Let us suppose that Mr. Jones, a man who has been the departmental desk officer for Spain for 5 years and who receives a salary of $10,800 per year, qualified for admission to the Foreign Service. It is determined that he should be admitted to Foreign Service class 3. In that class, salaries range from $9,130 to $11,030 per year. At the present time, our hypothetical Mr. Jones would have to be appointed at the annual salary lowest in the class, namely, $9,130. He would thus suffer a salary loss of $1,670 per year, and under these circumstances might not accept the appointment, only 51 having been admitted by the lateral entry route in recent years.

The purpose of the amendment of section 413 is to make it possible for such persons to transfer into the Foreign Service without a sacrifice in their salary.

In proposing this amendment, the committee noted that it fulfills one of the recommendations of the Wriston committee in its recent report to the Secretary of State.

The Wriston committee (the Secretary of State's Public Committee on Personnel) submitted a number of recommendations which I expect the Committee on Foreign Relations will examine in considerable detail next year. At the present time, however, and in view of the lateness of the session, we are taking action only on this one recommendation.

Urgent action is required at the present time in order to give impetus to the movement of regular departmental officers into the Foreign Service. In recent years the Foreign Service has shrunk in size desipte the fact that the world responsibilities of the United States have been increasing. From a top level of 1,427 officers in 1953, the Service has fallen to 1,285 in March of this year.

Mr. President, it is obvious to me that all is not well with the Foreign Service and with the State Department career service.

Mr. Dulles, with the able assistance of Under Secretary Bedell Smith and Under Secretary Saltzman, is moving with vigor to get our Foreign Service mechanism in shape to deal with our worldwide responsibilities. Much remains to be done. This bill is a starter.

P. H. McCONNELL

The bill (S. 3326) for the relief of P. H. McConnell was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to P. H. McConnell, of Fort Peck, Mont., the sum of $4,370.76, in full settlement of all claims against the United States for work performed by P. H. McConnell under Contract Numbered W-631-eng-2373, dated May 14, 1940: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. GORE subsequently said: Mr. President, I ask unanimous consent to revert to Calendar No. 1966, Senate bill 3326. I am advised that the beneficiary, P. H. McConnell, has died, and that an amendment should be made to make the relief payable to the estate.

The PRESIDING OFFICER. Without objection, the vote by which the bill was ordered to be engrossed for a third reading, read the third time, and passed, is reconsidered.

The bill is open to amendment.

Mr. McCARRAN. Mr. President, I offer an amendment on page 1, line 5, after the word "to", to insert the words "the estate of."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. McCARRAN. Mr. President, I move that the title be amended so as to read "A bill for the relief of the estate of P. H. McConnell."

The motion was agreed to.

ANNA K. McQUILKIN

The bill (H. R. 3516) for the relief of Anna K. McQuilkin was considered, ordered to a third reading, read the third time, and passed.

L. R. SWARTHOUT AND THE LEGAL GUARDIAN OF HAROLD SWARTHOUT

The bill (S. 1022) for the relief of L. R. Swarthout and the legal guardian of Harold Swarthout was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MORSE. Mr. President, I shall ask that the bill go to the foot of the calendar until the Senator from Idaho [Mr. WELKER] returns to the Chamber. The last time I talked with him, he was opposed to the position which I take with respect to the bill. In view of my knowledge of his position, I would not want action to be taken on any suggestion of mine in his absence. However, I wish to make my statement at this time, because the Senator from Idaho is familiar with my position.

I respectfully request that the Committee on the Judiciary withdraw its amendment No. 5 relative to this bill.

Amendment No. 5 would expressly prohibit any part of the amount appropriated under the bill from being paid to any attorney on account of services rendered in connection with this claim. I understand fully the laudable purpose behind the Judiciary Committee's policy of scrutinizing with extreme care all provisions in private relief bills which authorize the payment of attorneys' fees. On June 15, 1954, the Senator from New Jersey [Mr. HENDRICKSON] gave a very clear explanation of the committee's position on this matter, and I commend him as well as the other members of the committee for taking steps to prevent abuses in the collecting of attorneys' fees in private bill claim cases.

During the colloquy on the floor of the Senate on June 15 I pointed out that there are cases of this type in which lawyers render valuable services for which they are entitled to fair and reasonable fees. Mr. President, the case now under consideration is, in my opinion, a very clear case for the inclusion of what was previously the standard 10-percent attorneys' fee proviso.

In this case, the lawyer representing the Swarthouts has rendered legal services for a period of more than 10 years in an effort to obtain fair compensation for grievous injuries to a child and heavy expense to his parents caused by the explosion of an Army practice bomb. The details of the tragic accident are contained in the report and need not be repeated here.

As late as last Saturday, I checked with the Portland, Oreg., law firm of which the Swarthouts' attorney is now a member and was advised that this attorney has not received one cent by way of an attorney's fee in this case. However, the legal services he has rendered are very substantial. He has engaged in the customary conferences with interested and adverse parties, and those of my colleagues who are members of the legal profession know how extensive such conferences can be. He prepared and tried a lawsuit in the State circuit court in an effort to recover damages against a third party. No compensation

resulted from that lawsuit and thereafter the attorney in this case conferred with the Army engineers in Portland concerning the possibility of a claim against the United States under the Federal Tort Claims Act. It developed that proceedings under that act would not be feasible because the accident occurred before the effective date of the act—February 1, 1945.

The foregoing legal services were essential preludes to the final source of possible relief—a private bill in Congress. The Swarthouts' attorney accordingly brought the matter to the attention of my office, provided me with the essential facts. As a result, a private relief bill was filed in the 82d Congress and ultimately the present bill was filed early in the 83d Congress.

If any attorney has earned a legal fee, Mr. President, it is the attorney who represents the Swarthouts in this case. For that reason, I respectfully request that the Judiciary Committee withdraw its amendment No. 5 thereby restoring in this bill the standard proviso:

Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding.

I do not wish action to be taken at this particular time, in the absence of the Senator from Idaho. I had a very pleasant and cooperative conference with the Senator from Idaho, as I always do when I talk with him. When we were through, he said he still felt that, so far as this particular bill was concerned, he did not feel that this attorney had earned a fee. He laughingly said, "WAYNE MORSE has earned the fee, because he introduced the bill." Of course, he spoke facetiously.

Nevertheless, as a lawyer, I feel that in some of these cases, with this kind of record, we do an injustice to the legal profession when we deny the heretofore standard 10 percent fee. At the same time, I know that, as the Senator from New Jersey [Mr. HENDRICKSON] pointed out on June 15, I believe, there have been great abuses in this connection.

Therefore, knowing the view of the Senator from Idaho, and hoping that he may change his opinion if the bill goes to the foot of the calendar, I ask that it be placed at the foot of the calendar.

My last word is this: The person in whom I am primarily interested is this boy. I do not want the bill to be defeated over any issue as to whether or not an attorney is to receive a 10 percent legal fee. So even if the Senator from Idaho persists in his objection when he returns to the Chamber, I hope the bill can be passed later this evening, even with amendment No. 5 of the Judiciary Committee in it. However, in fairness to the lawyer, I believe the amendment No. 5 should be withdrawn.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. Mr. President, I have taken the liberty of sending a message to the Senator from Idaho [Mr. WELKER]. He is on his way to the Chamber. I do not know when he will arrive.

I am sure my distinguished colleague on the Judiciary Committee, the Senator from Nevada [Mr. MCCARRAN], will agree that it was never the intention of the Judiciary Committee to deprive any lawyer of a fee justly earned.

However, we have seen the ever-increasing growth of so-called private claim bills involving money awards, and it seemed to us that it was about time to put a stop to some of the encroachments by certain attorneys.

Mr. MCCARRAN. Mr. President, I understand the Senator from Oregon [Mr. MORSE] has moved to strike——

The PRESIDING OFFICER. The request is that the bill be placed at the foot of the calendar, to be called later this evening.

Mr. MORSE. Mr. President, I should like to have the view of the Senator from Nevada, if he has a view with respect to the bill, so that it can be intelligently discussed with the Senator from Idaho when he returns to the Chamber.

Mr. MCCARRAN. The fact that a bill comes from Idaho is no reason why there should be any variance from the rule laid down by the Judiciary Committee.

Mr. MORSE. Not Idaho, but Oregon.

Mr. MCCARRAN. I beg the Senator's pardon. The rule has been laid down. No action was commenced in this case, and no legal fee was earned, so far as I know.

The mere fact that the Senator from Oregon presented this bill does not entitle him to a fee, and I know he is not trying to get a fee. Neither does it entitle an attorney on the outside to a fee. If we vary the rule in this case we shall have to vary it in every other case.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. MCCARRAN. Every case has some merit to it.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. MCCARRAN. I yield.

Mr. MORSE. I agree, of course, that unless a lawyer has performed legal services he should not receive a fee. However, am I to understand that amendment No. 5 of the Judiciary Committee, which is now regularly attached to such bills, means that no attorney fees can be paid unless the attorney starts suit?

Mr. MCCARRAN. No; I do not mean that. In this case I do not believe there was any legal activity of any kind that would justify a 10-percent fee.

Mr. MORSE. Mr. President, as I said, the lawyer had the case in his office for 10 years. He has held many conferences on the case. He has spent a great deal of time with the Army engineers and went into the question as to whether he could bring an action under the tort claims law. The Army engineers favored that procedure. He held conferences with the Army engineers on the case. Then it was discovered that a case could not be brought under that law. I am sure the Senator from Nevada will agree with me that that is legal work in a law office for which some fee is justified.

Mr. MCCARRAN. I shall take the last expression of the able Senator from Oregon, before he took his seat, when he said he was interested in getting the money for this child.

Mr. MORSE. I am interested in that.

Mr. MCCARRAN. That is why the committee approved the bill. It is to get compensation for this child, not compensation for an attorney. I am not saying anything about the services that may have been rendered. However, if we lower the bars, we shall have to lower them in too many cases, and, as a result, there will be abuses.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. MCCARRAN. I yield.

Mr. MORSE. Because of the last comment of the Senator, am I to understand that it is the position of the Senator from Nevada that no exceptions should be made with respect to amendment 5, and that whenever a private bill comes to the floor of the Senate no lawyer is to get any fee, no matter what work he does?

Mr. MCCARRAN. I would not go that far.

Mr. MORSE. I hope that privately the Senator from Nevada will give me a few hypothetical sets of facts which would justify an attorney fee, if he feels that in this case, after 10 years, the lawyer is not entitled to a fee.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon that the bill be passed to the foot of the calendar? The Chair hears none, and it is so ordered.

CONVEYANCE OF A CERTAIN TRACT OF LAND IN MISSISSIPPI TO JONATHAN JONES

The bill (S. 3316) to authorize and direct the conveyance of a certain tract of land in the State of Mississippi to Jonathan Jones was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MORSE. Mr. President, the Senator from Louisiana [Mr. LONG] and my colleague from Oregon [Mr. CORDON] have temporarily stepped out of the Chamber. If they were present they would verify what I now present to the Senate. It is in the form of an amendment which I send to the desk.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MORSE. Mr. President, I offer an amendment. My colleague has arrived on the floor, and I ask his attention to this matter.

The PRESIDING OFFICER. The secretary will state the amendment.

The LEGISLATIVE CLERK. On page 2, after line 2, it is proposed to strike:

SEC. 2. The tract of land authorized to be transferred by the first section of this act shall be conveyed upon the payment of the appraised value of the lands as determined by the Secretary of the Interior if payment is made within one year after the Secretary has notified the Federal Land Bank of New Orleans and any other person applying for an interest in these lands under this act within 90 days after its enactment, of the appraised

price of the lands. The appraised price shall not include any increased value resulting from the development or improvement of the lands by the applicants or their predecessors in interest, and the Secretary shall consider and give full effect to all of the equities of the applicants in making such appraisal.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oregon [Mr. MORSE].

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior is directed to issue a patent to Jonathan Jones, of Jefferson County, Miss., subject to the conditions provided for in section 2 of this act, conveying all right, title, and interest of the United States, including mineral rights or any part of such interest, in and to the following-described tract of land situated in the State of Mississippi: Section 5, township 9, north, range 1 east, Washington meridian, Jefferson County, Miss., described as 111 acres, in a plat filed by Deputy Surveyor Charles De France on March 31, 1806.

BILLS PASSED OVER

The bill (H. R. 5047) to amend section 2879 (b) of the Internal Revenue Code was announced as next in order.

Mr. HENDRICKSON. Mr. President, by request, I ask that the bill go over.

The PRESIDING OFFICER. The bill will go over.

The bill (H. R. 7774) to establish a uniform system for the granting of incentive awards to officers and employees of the United States, and for other purposes, was announced as next in order.

Mr. HENDRICKSON. By request, Mr. President, I ask that the bill go over.

The PRESIDING OFFICER. The bill goes over.

CONSTRUCTION OF BRIDGE OVER POTOMAC RIVER

The Senate proceeded to consider the bill (H. R. 1980) to authorize and direct the Commissioners of the District of Columbia to construct a bridge over the Potomac River in the vicinity of Jones Point, Va., and for other purposes, which had been reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and to insert:

TITLE I—BRIDGE IN VICINITY OF CONSTITUTION AVENUE

That (a) the Commissioners of the District of Columbia are authorized and directed to construct, maintain, and operate a low-level bridge over the Potomac River, from the vicinity of Constitution Avenue in the District of Columbia to the Virginia side of the Potomac River, such bridge to be constructed north of the Memorial Bridge and south of the southern portion of Theodore Roosevelt Island, sometimes referred to as "Small Island," together with bridge approaches and roads connecting such bridge and approaches with streets and park roads in the District of Columbia and with streets and park roads on the Virginia side of the Potomac River: *Provided*, That in planning such bridge approaches and connecting roads, the Commissioners shall consult with the National Capital Planning Commission.

(b) The Commissioners of the District of Columbia are authorized to construct and maintain a structure to provide pedestrian access from the low-level bridge referred to in subsection (a) of this section to the aforesaid "Small Island": *Provided*, That before entering into any contract for such structure providing pedestrian access, the plans therefor shall be approved by the Theodore Roosevelt Association.

(c) The Secretary of the Interior is hereby authorized to construct, maintain, and operate a structure connecting the main body of Theodore Rosevelt Island and the aforesaid portion thereof referred to as "Small Island" to provide pedestrian access between such islands: *Provided*, That the plans for such structure connecting such islands shall be subject to the approval of the Theodore Roosevelt Association.

(d) The plans for any bridge or other structure authorized by this title shall be submitted to the Commission of Fine Arts for advice with respect to the architectural features of any such bridge or structure, and no contract for the construction thereof may be entered into until this subsection shall have been complied with: *Provided*, That upon failure of the Commission of Fine Arts to report its advice within 90 days of submission of plans to it, the requirements of this subsection shall be deemed to have been met.

(e) Appropriations for construction of the bridge and other structures authorized by this title, payable from the highway fund of the District of Columbia, in amounts not exceeding $24,500,000 are hereby authorized.

SEC. 102. The Federal agencies having control and jurisdiction over the lands at and adjacent to the ends of the bridge shall transfer to the Commissioners of the District of Columbia, upon their request, the areas to be occupied by said bridge, approaches, and connecting roads, all as shown more particularly on plans of such bridge, approaches, and connecting roads, to be prepared and approved by the Commissioners of the District of Columbia and the Bureau of Public Roads, Department of Commerce.

SEC. 103. The Commissioners of the District of Columbia are authorized to enter into an agreement or agreements with the State Highway Commission of Virginia, acting for and on behalf of the Commonwealth of Virginia, for the purpose of providing for cooperation by the State Highway Commission of Virginia, to such extent as the Commissioners of the District of Columbia shall deem necessary, in the construction of said bridge, approaches, and connecting roads, acquisition of land for rights-of-way, contributions toward costs, temporary or permanent closing of existing roads, and any other matters relating to the construction of said bridge which the Commissioners of the District of Columbia may consider appropriate.

SEC. 104. The Commissioners of the District of Columbia are authorized to make such use of federally owned and controlled lands at and adjacent to the bridge as may be necessary for making borings, performing other preliminary work, routing and rerouting traffic, constructing said bridge, approaches, and connecting roads, and storing of materials incident to such preliminary work and to actual construction.

SEC. 105. The Commissioners of the District of Columbia are authorized and directed to route and reroute and to cause the routing and rerouting of traffic on, and to close or cause to be closed park roads, streets, and highways under the jurisdiction of the United States, and to negotiate for the closing of roads by agreement with Virginia authorities, where necessary in connection with the preparation of plans for, and during the actual construction of, said bridge, approaches, and connecting roads. The Commissioners of the District of Columbia are further authorized to prepare plans for such changes in park roads as they deem necessary to provide maximum efficiency in handling traffic to and from said bridge, and when such plans are approved by the Bureau of Public Roads, to construct roads in conformity with such approved plans.

SEC. 106. (a) The National Park Service is authorized and directed to remove or transplant to other locations any and all planting materials within the area to be used for the bridge, approaches, and connecting roads or for construction purposes, when requested by the Commissioners of the District of Columbia. The Commissioners of the District of Columbia are authorized and directed to regrade the areas involved in the construction of the bridge, approaches, and connecting roads so as to conform with the plans to be approved by them and the Bureau of Public Roads.

(b) Upon completion of said bridge, approaches, and connecting roads and the regrading of the areas, or prior thereto, when authorized by the Commissioners of the District of Columbia and when such operation or operations will not interfere with the construction of said bridge, approaches, and connecting roads, the National Park Service is directed to landscape such areas in accordance with the plans of the National Park Service as may be approved by the Commissioners of the District of Columbia and the Bureau of Public Roads, the cost of said landscaping to be paid out of funds made available for the purposes of this title.

SEC. 107. The cost of construction, reconstruction, and repair of all roads which are changed or made necessary as an incident to the construction of said bridge, approaches, and connecting roads, when approved by the Commissioners of the District of Columbia and the Bureau of Public Roads, shall be paid out of funds made available for construction of said bridge, approaches, and connecting roads.

SEC. 108. The right to alter, amend, or repeal this title is hereby expressly reserved.

TITLE II—BRIDGE IN VICINITY OF JONES POINT

SEC. 201. (a) The Secretary of the Interior (referred to hereinafter as the "Secretary") is authorized and directed to construct, maintain, and operate a six-lane bridge over the Potomac River, from a point at or near Jones Point, Va., across a certain portion of the District of Columbia, to a point in Maryland, together with bridge approaches on property owned by the United States in the State of Virginia.

(b) The bridge shall be of deck girder structure with a swing span having a 150-foot horizontal clearance on each side of the pivot pier and a 70-foot vertical clearance above mean low water, and shall be constructed in accordance with the provisions of subsection (b) of section 502 of the "General Bridge Act of 1946," approved August 2, 1946 (60 Stat. 847), as amended, and subject to the conditions and limitations in this title.

(c) The Secretary shall request recommendations and suggestions of the National Capital Planning Commission relative to the design of such bridge and approaches.

SEC. 202. (a) Any Federal agency and the District of Columbia having control and jurisdiction over any land at or near the site of the bridge shall transfer to the Secretary, upon his request, any such lands to be occupied by the bridge or approaches thereto.

(b) The Secretary may acquire by purchase or by condemnation any land in the State of Maryland, not under Federal or District jurisdiction or control, needed for the construction of such bridge, title to such land to be taken directly to and in the name of the United States. In case a price satisfactory to the Secretary cannot be agreed upon for the purchase of such land or in case the title cannot be made satisfactory to the Attorney General of the United States, then the latter is directed to procure

such land by condemnation, and the expenses of procuring evidence of title, or condemnation, or both, shall be paid from funds made available for the purposes of this title.

SEC. 203. (a) The Secretary may make such use of lands owned or controlled by the United States, at or adjacent to the site of the bridge, as may be necessary for making borings, performing other preliminary work, routing and rerouting traffic, constructing such bridge, approaches, and connecting roads, and storing materials incident to such preliminary work and to actual construction.

(b) The Secretary may route and reroute and cause the routing and rerouting of traffic on, and close or cause to be closed, streets, roads, and highways under the jurisdiction of the United States, and negotiate for the closing of streets, roads, and highways by contact with Virginia, Maryland, and District authorities, when necessary in connection with the preparation of plans for, and during the actual construction of, the bridge.

SEC. 204. Notwithstanding any other provision of this title, the Secretary shall not begin construction of the bridge above referred to until the State of Virginia and the State of Maryland have taken such steps as the Secretary deems adequate to give assurances that there will be constructed and maintained, by and in such States, such approaches to such bridge as will be reasonably adequate to make possible the full and efficient utilization of such bridge.

SEC. 205. The sum of $14,925,000 is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated, to carry out the provisions of this title.

SEC. 206. The right to alter, amend, or repeal this title is hereby expressly reserved.

Mr. CASE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement which I have prepared.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The Committee on the District of Columbia of the House of Representatives gave the entire Potomac River bridge problem exhaustive consideration. It conducted 7 days of hearings on 3 different proposals. In its report (No. 1851) on H. R. 1980, the committee said, in part:

"It was evident, by the expressions of the various members of the subcommittee, as well as those who testified before the subcommittee, that there was great need for an additional bridge across the Potomac River, especially in the central area which would relieve the snarled traffic conditions during the peak periods. * * * it was evident that the members of the subcommittee could not agree upon a location for a bridge in the central downtown area. It was obvious that all of the members of the subcommittee agreed that the best compromise would be the bill, H. R. 1980, to construct a bridge in the vicinity of Jones Point, Va."

The House committee amended the Jones Point bill to reduce substantially the Federal share of the cost and at the same time to expand the capacity of the bridge. The Senate committee concur in these changes, described in the House report as follows:

"Under this amendment the total cost of the bridge will be $24,398,000. This cost will provide a 6-lane bridge rather than a 4-lane, as proposed in the original legislation. Of the total cost of this bridge $7,388,000 will be assumed by the State of Virginia as a total cost of approaches in that State; $885,000 will be assumed by the State of Maryland to be spent on approaches to the bridge. In the District of Columbia, $1,200,000 will be spent for the construction of roads and structures. The additional $14,847,000 will be borne by the Federal Government.

"The bill authorizes the amount of $14,925,000 to carry out this construction.

"Under the amendment adopted by this committee, a 6-lane bridge would be obtained at a total cost of $14,847,000 to the Federal Government rather than a 4-lane bridge, as requested in the original bill, at a cost of $20 million to the Federal Government. This would be possible through the participation of the District of Columbia and the States of Maryland and Virginia."

Your committee, through its fiscal subcommittee, reviewed carefully the hearings held by the House and supplemented this study with additional hearings of its own, conducted on July 15, 1954. Testimony was taken from 13 witnesses, covering the Jones Point proposal as well as the bridge needs of the central area.

It was evident that the purposes of the Jones Point Bridge are not related to the pressing need for cross-river traffic relief in the central downtown area. Jones Point would provide a link in the "outer belt"—parts of which are in existence or under construction—designed to serve traffic that desires to bypass Washington. All affected agencies and jurisdictions were agreed on the need for and the location of the Jones Point crossing. All witnesses agreed, moreover, that Jones Point is in no sense a substitute for a central area bridge to relieve congestion of traffic between the downtown area and Virginia.

Your committee for several months prior to its hearings had had the problem under study. The chairman held several conferences with District officials, the Chairman of the National Capital Planning Commission and other interested groups.

As a result of these and subsequent efforts, the chairman of your committee, the Chairman of the Planning Commission, and the Engineer Commissioner of the District agreed on a span approximately parallel to Memorial Bridge running from the foot of Constitution Avenue on the District side to Columbia Island on the Virginia side in a line just south of Small Island.

At a meeting of the National Capital Planning Commission held on July 28, 1954, this proposal was approved, together with other bridge and street proposals incident thereto. The executive director of the Theodore Roosevelt Association also informed your committee that he favors the central area bridge proposal and believes that it eliminates all features of earlier proposals that had been objectionable to the association.

After this further extensive consideration, the subcommittee decided to recommend authorization of this central area bridge from the foot of Constitution Avenue running south of Small Island for the following reasons:

1. A thorough study of the area traffic needs reflecting 1953 volumes but based upon the origin and destination survey conducted in 1948 indicates conclusively that a bridge is necessary at a point just upstream from the existing Arlington Memorial Bridge.

2. The approaches to the proposed central area bridge can afford the greatest accomodations for the dissipation as well as the collection of traffic. These approaches can be tapped merely by constructing short connections from the bridgeheads to existing streets. The bridge would connect to the inner belt in the vicinity of 24th Street on the District side of the river and with George Washington Memorial Parkway, Arlington Boulevard, Wilson Boulevard, and the Jefferson Davis Highway on the Virginia side. These connections are all short, direct, and capable of loading the bridge to its full capacity.

3. It is estimated that by 1975 there will be a deficiency in the capacity of the Potomac River bridges amounting to 5,600 vehicles destined for the District during the morning peak rush hour. It is also estimated that in 1975, 62 percent of the traffic desiring to cross the Potomac during the morning peak hour would seek a crossing in the Arlington Memorial-Key Bridge reach. In view of the latter estimate, it would be desirable to take up this projected deficiency at the proposed central area site.

4. Trafficwise, all evidence points to the advantages had by this location. For example, from the total traffic destined for the downtown area from Virginia during the peak morning rush hour, 71 percent are destined west of 12th Street, and 79 percent are destined north of Constitution Avenue. Routing this traffic into the area north of Constitution Avenue (the most heavily traveled artery in the District), constitutes a major advantage which a bridge at this location can render. Under present and future conditions, this structure would be well situated to serve the majority of the motorists seeking their destinations downtown during the peak morning rush hour, because of the available capacity of east-west streets.

5. The proposed bridge would provide a greater degree of relief to the three existing central area bridges than would other bridges which have been proposed. In providing this relief, it would absorb a heavy load of central-area-bound traffic and thereby would permit both the Key Bridge and the Highway Bridge to perform the functions advocated for an Arizona Avenue and a Roaches Run Bridge, respectively.

6. All the Virginia connections to the proposed bridge have some traffic capacity in reserve, but the most important fact is that Arlington Boulevard has a 200-foot right-of-way all the way out through Arlington County. This means it can be made a controlled access highway with six lanes for through-traffic movements and with additional roadways to serve the abutting property. Present plans for the Arlington area contemplate the development of the Arlington Boulevard to approximately 70,000 vehicles per day which is double its present capacity. This traffic cannot be conducted to and from the District by any of the other proposed bridges which have been suggested as alternatives, for this general location.

7. Ample capacity to receive the traffic is insured on the District side. For example, in 1975, in the corridor between Constitution Avenue and H Street a peak-hour volume of traffic amounting to 6,050 vehicles will flow easterly across 17th Street. However, a capacity for 7,030 vehicles can be provided in that direction.

The relative importance of the proposed central-area bridge is indicated by the fact that some 60,000 vehicles a day would use such a bridge, compared with about 15,000 a day for the proposed Jones Point crossing.

The critical nature of the entire Potomac bridge problem was further pointed up in testimony by General Prentiss that the existing Highway Bridges carry some 105,000 vehicles a day, a load greater than that carried by any other bridge in the world.

Altogether, more vehicles cross the Potomac daily than cross the Hudson River in New York City.

In recognition of this general Potomac River bridge problem, agreement was reached during the discussions conducted among interested officials and agencies that the old Highway Bridge at 14th Street should be replaced with a bridge in the vicinity of Roaches Run, just south of the existing railroad bridge. It is believed, however, that sufficient legislative authority already exists for the construction of such a bridge when appropriations are provided therefor.

Your committee, accordingly, propose that the bill, H. R. 1980, be amended to provide for a low-level bridge from the vicinity of Constitution Avenue running north of Memorial Bridge and south of Small Island to

the Virginia side of the river, as well as for a bridge at Jones Point.

The bridges compete neither for traffic nor for funds with which to build them. The Jones Point span, as noted in the House report cited above, would be built by the States of Virginia and Maryland, which would construct all approaches, and by the Federal Government, which would pay for the span itself. It is expected that this actually may result in an almost even division of total cost between the States and the Federal Government.

The central area bridge, authorized by title I, would be built entirely by the District of Columbia at a cost not to exceed $24,500,000. The District, of course, presumably would have available part of its regular Federal-aid highway funds to help in meeting this expense.

The Jones Point Bridge is authorized by title II. This title differs from the House-passed bill in that the Secretary of the Interior, rather than the Commissioners of the District, is authorized to build, operate, and maintain the bridge.

This change was proposed by the Commissioners because only the central portion of the Jones Point Bridge actually would lie within the District's boundaries, and even that part would be entirely above water. It seemed appropriate, therefore, to place this responsibility in a Federal agency. The total cost of maintaining and operating the bridge is estimated at about $45,000 a year.

The committee believe that provision in title I for pedestrian access from the central area bridge to Small Island, and from there to Roosevelt Island, subject to approval of the Theodore Roosevelt Association, actually will enhance the value of the islands as a wilderness memorial to Theodore Roosevelt by making them more accessible for enjoyment and appreciation by the public.

The central area bridge is to be a low-level bridge, of the approximate height of the existing Memorial Bridge. It will have a lift span to permit boats to proceed to the present head of navigation, the Key Bridge.

The so-called E Street Bridge, to which the Roosevelt Association objected, would have crossed Roosevelt Island and would have been a high bridge. The alternative bridge was proposed by your committee in part to avoid any possible conflict with the development of Roosevelt Island.

To further safeguard the esthetic beauty of the Memorial Bridge-Roosevelt Island area, the bill requires consultation with the Commission of Fine Arts on the design for the central area bridge, and it is expected that the bridge will be so designed as to harmonize with and enhance existing structures and landscape.

Mr. CASE. Mr. President, in concluding my remarks, I wish to read the resolution of the National Capital Planning Commission approving the central area bridge and other related matters:

NATIONAL CAPITAL PLANNING COMMISSION,
Washington, D. C., July 28, 1954.

Resolved, That the Commission authorizes the following statement:

"For a considerable time this Commission and the District Commissioners have endeavored earnestly to have a meeting of minds on the very important question of new bridge crossings of the Potomac River.

"Any project which is not integrated with a logical plan or pattern of traffic distribution will not merely fail of its purpose but would be an unwarranted waste of public funds. In order to avoid such a result, the Commission has repeatedly emphasized the importance of the so-called inner loop and the location of bridge connections thereto. We are confident this view is also shared by the District Commissioners.

"The Commission is pleased to announce at this time that substantial agreement has been reached on the following:

"IMMEDIATE NEEDS PROGRAM

"1. A new bridge at Jones Point, heretofore approved.

"2. The construction of the replacement bridge for the old southbound Highway Bridge, generally on the site proposed for a Roaches Run bridge. Authority for construction and funds for design of a companion bridge to the new Highway Bridge have been heretofore granted by Congress.

3. A new bridge north of and substantially parallel to Memorial Bridge, south of Roosevelt Island, and at a location to be agreed upon by the District Commissioners and the National Capital Planning Commission.

4. Early construction of the west (approximately 24th Street-Ohio Drive) and south (Southwest Freeway) legs of the inner loop.

FUTURE NEEDS PROGRAM

5. Later construction of a bridge somewhere between Key Bridge and Chain Bridge, to reduce crossings of central area bridges when traffic volumes justify.

6. Later construction of an additional bridge in the vicinity of Roaches Run or 14th Street, when additional traffic volume warrants it.

The Commission is highly appreciative of the cooperation extended by the District Commissioners and the National Park Service and their respective staffs in this matter. Our Commission recognizes that working out the detailed plans for the projects above agreed to in principle will require appreciation and understanding of our respective viewpoints. We are confident that the same spirit of cooperation will prevail in undertaking these subsequent studies.

Final responsibility for the development of the Federal City rests with the Congress, which has taken cognizance of the urgency of these bridge, traffic, and other public-works matters through approval of the District of Columbia public-works bill and hearings held recently on the several bridge matters. The Commission is cognizant of the prompt recognition of these matters by the Congress and wishes to express its appreciation thereof.

Mr. President, I appreciate the indulgence and consideration of the Senate in this matter. It represents an important step in the development of the Nation's Capital City.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to authorize and direct the construction of bridges over the Potomac River, and for other purposes."

THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES

The bill (H. R. 6573) to provide for the promotion, precedence, constructive credit, distribution, retention, and elimination of officers of the Reserve components of the Armed Forces of the United States, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. Mr. President, with some reluctance, I ask that the bill go over, by request.

Mrs. SMITH of Maine. Will the Senator from New Jersey advise the Senate who the objectors are?

Mr. HENDRICKSON. The Senator from Pennsylvania [Mr. MARTIN].

Mrs. SMITH of Maine. Mr. President, will the Senator from New Jersey withhold his objection for a moment?

Mr. HENDRICKSON. Certainly.

Mrs. SMITH of Maine. Mr. President, will the Senator from Tennessee [Mr. GORE] advise the Senator from Maine if there are any objectors on the Democratic side?

Mr. GORE. Objection has been registered with the junior Senator from Tennessee.

Mrs. SMITH of Maine. Will the Senator from Tennessee advise the Senator from Maine who the objectors are?

Mr. GORE. The junior Senator from Tennessee always likes to respond to the curiosity of any Member of this body, but has not made it a practice to advise the Senate of the identity of his colleagues who have registered objection.

Mrs. SMITH of Maine. Mr. President, am I to understand that the junior Senator from Tennessee refuses to advise the Senate who the objectors are on the Democratic side of the aisle?

Mr. GORE. The junior Senator from Tennessee would not refuse the distinguished Senator from Maine any request if he could possibly comply, but since this objection has been registered, and it is not the practice to reveal publicly the identity of Senators who register objections, I cannot do it publicly. I assure the distinguished Senator I shall be delighted to confer with her privately.

Mrs. SMITH of Maine. Mr. President, that is very kind of the Senator from Tennessee, but I prefer to have the Senate know who the objectors are. Will the Senator from Tennessee advise if he is objecting to this bill?

Mr. GORE. The junior Senator from Tennessee is not objecting to the bill; but if objection should not be registered otherwise he would be compelled to do so as a matter of duty, because of a request.

Mrs. SMITH of Maine. But the junior Senator from Tennessee is not personally objecting to the bill.

Mr. GORE. No.

Mr. JOHNSTON of South Carolina. Mr. President, I am very much interested in this bill, too, and I hope it will be taken up. I should like to ask the majority leader if it is his intention to have this bill brought up?

Mr. KNOWLAND. I will say to the Senator from South Carolina as I said in response to an earlier question with regard to quite a number of bills in which Senators have an interest, that when we have concluded the calendar call we intend to have a policy committee meeting to go over all measures other than those which have already been scheduled. I expect then to consult with the minority leader and also make an announcement to the Senate with respect to proposed legislation which we feel can be handled at this session of Congress.

Mr. JOHNSTON of South Carolina. Mr. President, I think this is a very important bill, and I hope the policy committee will see fit to take it up in the near future.

Mrs. SMITH of Maine. Mr. President, I am shocked to learn that the Democrats are not willing to identify publicly their objectors. I think this information should be a matter of public record. Is it the policy of the Democrats to have secret voting?

Mr. CASE. Mr. President, there is a widespread interest in this bill, and I also wish to express the hope that the bill may be made the pending business of the Senate before the Senate adjourns.

Mr. MARTIN. Mr. President, I regret exceedingly to be an objector to this bill, but I have received a great number of requests from people who are very familiar with the defense of our country, particularly the reserve forces. The strength of America depends upon the reserve forces, the National Guard and Organized Reserves. I have received many requests from both National Guard officers and Reserve officers that this bill come up on the floor for proper discussion. But this bill is entirely too important to be considered on the consent calendar.

There are probably a half million Americans who are directly interested in the bill. For that reason I sincerely hope that it may come before the Senate for consideration.

Probably I shall not say a word when the bill comes before the Senate for consideration. However, I think it is of sufficient importance to be considered, so that there will be an opportunity fully to debate it if the Members of the Senate desire to do so.

Mr. GORE. Mr. President, will the Senator yield?

Mr. MARTIN. I am glad to yield.

The PRESIDING OFFICER. Does the Senator renew his objection?

Mr. HENDRICKSON. In the light of the statement of the distinguished Senator from Pennsylvania I do not think it is necessary for me to renew the objection. I think the Senator has interposed an objection.

Mr. GORE. Will the Senator withhold his objection?

Mr. MARTIN. I am glad to do so.

Mr. HENDRICKSON. I join the distinguished Senator from Pennsylvania [Mr. MARTIN] and the able senior Senator from Maine [Mrs. SMITH] in the hope that the majority policy committee will schedule this bill for consideration. It is a highly important bill in which many Members of the Senate and a great many members of the Reserve are interested. If the bill does come up for consideration I shall support it. But I doubt the advisability considering it on a calendar call though I shall not personally object to it.

The PRESIDING OFFICER. Objection is heard. The bill will go over.

Mr. MARTIN. Mr. President, I do not want to take much time of the Senate. I have considered the bill during the last few hours, and when it comes up on the Senate floor for consideration I will support it. But I think it is entirely of too great importance to be considered on the Consent Calendar.

The PRESIDING OFFICER. The clerk will state the next bill on the calendar.

CONVEYANCE OF CERTAIN LANDS IN CAMP ROBERTS MILITARY RESERVATION, CALIF.

The bill (S. 3189) providing for the conveyance by the United States to the Monterey County Flood Control and Water Conservation District, Monterey County, Calif., of certain lands in Camp Roberts Military Reservation, Calif., was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 3189) which had been reported from the Committee on Armed Services, with an amendment to strike out all after the enacting clause and insert:

That (a) the Secretary of the Army is authorized to convey by quitclaim deed, to the Monterey County Flood Control and Water Conservation District of Monterey County, Calif., for the purpose of constructing, operating, and maintaining thereon a dam and reservoir area for its El Nacimiento Reservoir project, all right, title, and interest of the United States, except as reserved herein, in and to so much of the following described lands within the boundaries of Camp Roberts Military Reservation, Calif., as the Secretary of the Army, or his designee, and the Monterey County Flood Control and Water Conservation District shall determine to be necessary as a dam site and reservoir area for the El Nacimiento project:

The east half of the southeast quarter of section 11; the southwest quarter of section 12; the west half of section 13; and the east half of the east half of section 14, all lying in township 25 south, range 10 east, Mount Diablo base meridian.

(b) The deed conveying the lands determined to be necessary for the dam site and reservoir area for the El Nacimiento project shall provide (1) for the reservation by the United States of all mineral rights, including oil and gas, in and underlying the lands conveyed, (2) that the lands conveyed shall be used solely for the purpose of constructing, maintaining, and operating a dam and reservoir project thereon, and in the event such dam has not been constructed thereon within 10 years after the enactment of this act, or in the event the lands conveyed shall at any time after construction of the dam cease to be used for the sole purpose of maintaining and operating a dam and reservoir thereon, all right, title, and interest in and to such lands shall revert to the United States, (3) that in the event the existing water supply at Camp Roberts shall be diminished or adversely affected in any manner by the construction, operation, and maintenance of the dam and reservoir project, the grantee, its successors, and assigns, shall provide to the United States without additional cost substitute or supplementary water supply necessary to equal the existing supply at Camp Roberts, (4) the Armed Forces of the United States shall be granted for recreational and training purposes the use of the lands conveyed, to the extent that such use does not adversely affect the operation and maintenance of the dam and reservoir, and the use of the remaining portion of the reservoir area, to the extent provided in the regulations of the Monterey County Flood Control and Water Conservation District generally applicable to the reservoir area, and (5) the grantee shall remove, relocate, and reconstruct, at its own cost and expense all structures, roads, and fences at Camp Roberts affected by the proposed conveyance.

SEC. 2. The Secretary of the Army is authorized to issue to the Monterey County Flood Control and Water Conservation District, without compensation therefor, and on such terms and conditions as he deems appropriate, a license to use and occupy any lands in the area described in section 1 not conveyed pursuant to the authorization contained therein, as may be required for the excavation of borrow materials and any other purposes related to the construction of the El Nacimiento project.

SEC. 3. The conveyance herein authorized shall be made for a monetary consideration determined by the Secretary of the Army or his authorized representative to represent the fair market value of the estate conveyed and, in making such determination, the Secretary shall take into account the value of the benefits accruing to the Camp Roberts Military Reservation as a result of the conveyance.

The amendment was agreed to.

Mr. MORSE. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Oregon.

The LEGISLATIVE CLERK. On page 5, line 8, beginning with "to represent", it is proposed to strike out all through "conveyance", in line 12, and insert in lieu thereof a comma and the following: "after appraisal, to represent the appraised fair market value of the estate conveyed."

Mr. MORSE. Mr. President, the purpose of the amendment is to maintain the same standard as that provided in other bills of a similar nature. The amendment calls upon the Secretary to make an appraisal of the fair market value.

Mr. KUCHEL. Mr. President, I wish to make a very brief statement with respect to the amendment offered by the Senator from Oregon, and to say that I approve of his offering it. I believe that it is, in this situation, an amendment with complete merit. However, I wish to point out the way the bill was written and was reported by the committee. I quote section 3 on page 5:

The conveyance herein authorized shall be made for a monetary consideration determined by the Secretary of the Army or his authorized representative to represent the fair market value of the estate conveyed and, in making such determination, the Secretary shall take into account the value of the benefits accruing to the Camp Roberts Military Reservation as a result of the conveyance.

Mr. President, the building of the dam at Camp Roberts, Calif., will not cost the Federal Government a dime. A local public agency has been created. It will supply all the money for the building of the dam.

In the negotiation with Camp Roberts in the Military Establishment it was deemed proper, so far as both sides were concerned—the Army and the local agency—to point out that in connection with this dam there would be a great area which could be used for recreational purposes. That was the reason the formula laid down by my good friend [Mr. MORSE] was not originally written into the bill.

But even so, in this instance I believe the Senator is correct. Nevertheless, I hope that there will be a happy relationship between the local agency and the Military Establishment.

Mr. MORSE. I completely agree with my friend from California. I think the objective which he has in mind will be accomplished under the language of my amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oregon [Mr. MORSE] to the committee amendment.

The amendment to the amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the conveyance by the United States to the Monterey County Flood Control and Water Conservation District, Monterey County, Calif., of certain lands in Camp Roberts Military Reservation, Calif., for use as a dam and reservoir site, and for other purposes."

RETIREMENT OF CERTAIN OFFICERS OF THE REGULAR ARMY AND REGULAR AIR FORCE

The Senate proceeded to consider the bill (H. R. 9002) to amend the Officer Personnel Act of 1947 to provide for the retirement of certain officers of the Regular Army and the Regular Air Force at age 60, and for other purposes, which had been reported from the Committee on Armed Services with amendments, on page 1, after the enacting clause, to strike out:

That section 514 (a) (1) of the Officer Personnel Act of 1947 (61 Stat. 902) is amended to read as follows:

"SEC. 514. (a) (1) Each commissioned officer (other than a professor of the United States Military Academy or of the United States Air Force Academy) on the active list of the Regular Army or the Regular Air Force whose permanent grade is below that of lieutenant general shall, unless retired or separated at an earlier date or unless his retirement is deferred under other provisions of law, be retired on the date upon which he becomes 60 years of age."

On page 2, at the beginning of line 4, to strike out "SEC. 2." and insert "That"; in line 12, to change the section number from "3" to "2"; and on page 3, line 11, to change the section number from "4" to "3."

The amendments were agreed to.

Mr. MORSE. Mr. President, I wish to have the attention of the Senator from Massachusetts [Mr. SALTONSTALL] as I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Oregon.

The LEGISLATIVE CLERK. It is proposed to insert at the appropriate place an additional section, as follows:

SEC. (a) That the third sentence of the eleventh paragraph of the first section of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes," approved August 6, 1882 (22 Stat. 286), is hereby amended by striking out all after "Hereafter" through "retired: *And provided further*, That."

(b) Section 1591 of the Revised Statutes of the United States (34 U. S. C., sec. 993) is hereby amended by inserting after the word "except" the words "as may be directed or approved by the President, by and with the advice and consent of the Senate, or."

(c) Notwithstanding the provisions of this act, this section shall be considered to have become effective on January 1, 1942.

Mr. KNOWLAND. Mr. President, may we have an explanation of the amendment?

Mr. MORSE. Mr. President, the basic aim of this amendment is to remove from an old law enacted August 5, 1882, certain language which discriminates against retired officers of the Navy, as distinguished from retired officers of the Army, the Air Force, or the Marine Corps. That old law is the Naval Appropriations Act for the fiscal year ending June 30, 1883.

This is an amendment which has been before the Armed Services Committee—I was about to say almost beyond memory. It is an amendment which seeks to correct what the Armed Services Committee has felt in the past has been an injustice to a couple of naval officers, and it is offered now to meet what I understand is a barrier which has been thrown in the way of doing justice to the Navy.

I call attention to a statement that was submitted to me by a retired Navy officer.

In this connection Comdr. Edward White Rawlins, U. S. Navy (retired), testified before the Senate Armed Services Committee on February 19, 1954, in part, as follows:

On August 8, 1952, before Admiral Carney's letter of the 6th reached me I called on Rear Adm. Ira Nunn, the new Judge Advocate General of the Navy, who was a Naval Academy classmate and personal friend of mine. In the course of our talk he offered the purely unofficial personal suggestion that I submit a petition to the President for promotion to captain by Executive appointment. He said he felt certain the President had this appointive power under the Constitution. He also said unofficially that this would appear to offer a satisfactory solution to a case of long standing.

Acting upon Admiral Nunn's unofficial suggestion I drafted a documented detailed petition to the President. Before submitting it I transmitted my draft to Admiral Carney for any comment or advice he might choose to make. Admiral Carney replied immediately with wise and valuable suggestions which I followed implicitly. My petition then was submitted under date of November 25, 1952. Much to my surprise 6 weeks later, however, I received a letter dated January 7, 1953, from the then Secretary of the Navy reading in part as follows:

"The Judge Advocate General of the Navy has informed me that, although the Constitution of the United States grants the President the authority, with the advice and consent of the Senate to appoint officers in the naval service, the President is precluded by statute (act of August 5, 1882, 22 Stat. 286, 34 U. S. C. 402) from promoting an officer on the retired list without congressional legislation."

I understand that this particular amendment was drafted with the expert advice of the professional staff, and that it is what is needed in order to do justice in the so-called Commander Rawlins' case. I also was informed—and I assume accurately—that the chairman of the Armed Services Committee has no objection to the amendment if it is attached to this bill.

Mr. SALTONSTALL. Mr. President, I should like to say first that I hope the Senator from Oregon will permit the committee amendments to be adopted. They are merely technical amendments to put the bill in proper form.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

Mr. SALTONSTALL. If the Senator from Oregon feels that he wishes to offer his amendment, I believe the bill should be considered and debated in the regular order. I say that with some reluctance, because I have great sympathy for Commander Rawlins and the position in which he finds himself, particularly because of the support which he gets from the present Chief of Naval Operations, Admiral Carney.

However, this amendment, which goes back to an old law of 1882, has been turned down by the committee several times, and it has been turned down in the House. While I should like to tell the Senator that I would accept the amendment in my desire to help Commander Rawlins, I shall tell him that I saw Commander Rawlins this afternoon and told him that I felt there should be no attempt to attach such a rider to an administration bill which is of considerable importance, because if that were done it might well tie up the bill and make it impossible for it to become law at this time. For those reasons I shall ask that the bill go over, if the Senator insists on his amendment.

Mr. COOPER. Mr. President, I have been serving during this year and last year as a member of the Committee on Armed Services. In connection with my work on the committee, I have become familiar with the claim of Commander Rawlins. He is not a constituent of mine. I never knew him until the presentation of his claim. He has spoken to me several times about this claim. I went into the case rather fully, because I thought there was equity in the claim.

I have read the report of the House of Representatives, and the various statements Commander Rawlins made in connection with his claim, and particularly the letters which had been written in approval of his claim by Admiral Carney, who is now a member of the Joint Chiefs of Staff.

I know that this case would be an exception to Navy regulations and would require special legislation. I believe there is equity in the case, and that it ought to have consideration.

I must say to my good friend, the chairman of the committee, that while an exception would be required, I believe one of the duties of Congress is to take care of equitable cases. Such cases are being handled all the time. Merely because some person in the Pentagon, who is connected with the Navy, says we should not deviate from prescribed procedure should not affect questions of equity before us. Therefore, I hope that at some time justice will prevail in this case.

The PRESIDING OFFICER. The Senator from Massachusetts has entered an objection.

Mr. SALTONSTALL. Mr. President, I hope the Senator from Oregon may feel as I do after he hears what I am about to say. I have told Commander Rawlins that if I am in the Senate next year, and I am a member of the Committee on Armed Services, I will try to help him get the legislation which is necessary to assist him. I make this statement because the present Chief of Naval Operations is in Commander Rawlins' corner, as was one of the previous Chiefs of Naval Operations.

The bill affects 23 permanent major generals in the Army, who under the present law would be retired no later than the age of 60, after having completed 35 years of service, with 5 years in grade. The bill will permit such officers to be retained in the service of our country on active duty until the age of 62, in the discretion of the Secretary.

In other words, 23 permanent major generals, now serving with the rank of lieutenant general in the Army, can render 2 more years of their valuable service if the bill becomes law. Otherwise, those officers will have to retire at the age of 60, and the Government will lose the benefit of their intelligence, training, and experience at a time when the benefits of their service are most needed.

Mr. MORSE. Mr. President, of course, the Chairman of the Committee on Armed Services knows that I would not think of preventing passage of the bill, which would be the result, from what the Senator has said, if I insisted upon my amendment. Apparently I was laboring under misinformation, because I was advised that if I offered an amendment to the bill the Senator from Massachusetts, in all probability, would not object.

I have no interest in the case, so far as the individual is concerned, as the Senator from Kentucky [Mr. COOPER] also has said. Commander Rawlins is not a constituent of the Senator from Kentucky, and he is not a constituent of mine. I met him in connection with my former work as a member of the Committee on Armed Services, but this is one of the cases which came before the subcommittee of which I was a member. The subcommittee felt that an injustice had been done, the full committee felt than an injustice had been done, and the Senate felt an injustice had been done, because I think the Senate twice passed legislation seeking to correct the injustice.

The difficulty is that the Navy personnel at the Pentagon always find some new blockade to throw in our way when we seek to correct the injustice. This is the latest one. We have been advised that this kind of amendment would remove the blockade which the Navy has now fallen behind.

I shall withdraw my amendment, but before doing so I wish to say that I do not think the Government ever should become so big that it cannot do justice to an individual in governmental service.

When we find Admiral Carney, as he very clearly has stated on the record, favoring the doing of justice in this case, I think in some way, somehow, legislation should be passed which would do justice.

The Senator from Massachusetts can count on me, come January, to join with him in giving any assistance I can toward having legislation passed.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. KNOWLAND. I told the chairman of the Committee on Armed Services that I, as majority leader, would have to object to the amendment to the bill because of the bill's importance and the problem which I felt it would encounter in the other branch of Congress if the amendment were adopted.

I am perfectly willing to consider the case on its merits if it comes before the Senate as a separate bill. I shall be glad to consult with the Senator from Oregon and the chairman of the committee. But in this instance I will take the responsibility, because had not the chairman spoken and reserved his right to object, I had told him that I would have to object to the amendment.

Mr. MORSE. I think the Senator from California will agree with me that at least we have accomplished the purpose tonight of issuing another very clear notice to the Navy officials that we think they ought to get busy and do justice in the case.

I withdraw my amendment.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to amend the Officer Personnel Act of 1947 to defer the retirement of certain officers of the Regular Army and the Regular Air Force, and for other purposes."

COMPACT RELATING TO HIGHER EDUCATION IN THE NEW ENGLAND STATES

The bill (S. 3726) granting the consent of Congress to certain New England States to enter into a compact relating to higher education in the New England States and establishing the New England Board of Higher Education was announced as next in order.

The PRESIDING OFFICER. The Chair wishes to state that Calendar No. 2232, H. R. 9712, is identical with Senate bill 3726. Is there objection to the consideration of the House bill?

There being no objection, the bill (H. R. 9712) granting the consent of Congress to certain New England States to enter into a compact relating to higher education in the New England States, and establishing the New England Board of Higher Education was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 3726 is indefinitely postponed.

EXTENSION OF CERTAIN TIMBER RIGHTS

The Senate proceeded to consider the bill (S. 3601) to provide that the Secretary of Agriculture is authorized to extend until not later than October 18, 1962, certain timber rights and necessary ingress and egress, and for other purposes, which had been reported from the Committee on Agriculture and Forestry with amendments, on page 1, line 3, after the word "Agriculture", to insert "hereinafter referred to as the Secretary"; on page 2, line 9, after the word "half", to insert "south half"; on page 3, line 6, after the word "Company", to insert "and its successors in interest"; at the beginning of line 11, to insert "and its successors in interest"; in line 13, after the word "the", to strike out "regional forester, region 3, Forest Service" and insert "Secretary"; at the beginning of line 16, to insert "forage"; and in line 19, after the word "the", to strike out "said regional forester" and insert "Secretary", so as to make the bill read:

Be it enacted, etc., That the Secretary of Agriculture, hereinafter referred to as the Secretary, is hereby authorized to extend until not later than October 18, 1962, those certain timber rights and necessary ingress, egress, or occupancy in connection therewith, of the M. R. Prestridge Lumber Co., and its successors in interest, on the following-described lands:

Township 17 south, range 12 east, New Mexico principal meridian:

Section 22, south half; section 23, south half; section 24, northeast quarter northeast quarter, southwest quarter northeast quarter, south half northwest quarter, southwest quarter, south half southeast quarter; section 25, northeast quarter northeast quarter, south half northeast quarter, northwest quarter, south half; section 26, northwest quarter, northeast quarter southeast quarter, south half south half; section 27, north half, northwest quarter southeast quarter, south half southeast quarter, southwest quarter; section 28, all; section 33, all; section 34, north half; section 35, all.

Township 18 south, range 12 east, New Mexico principal meridian:

Section 3, west half; section 4, all; section 9, all.

All lying within the Lincoln National Forest, Otero County, N. Mex.; such timber rights being those as were excepted as outstanding in the Southwest Lumber Co., predecessors in interest to the M. R. Prestridge Lumber Co., and expiring October 18, 1957, by that certain warranty deed, dated August 31, 1940, from Lee H. Orndorff, Alice V. Orndorff, M. H. Barrough, and Lula N. Barrough, to the United States of America, of record in said county on October 7, 1940, in book 117 of deeds at pages 617–8–9; which rights, by reference, were described and reserved in that certain deed of conveyance to the land involved from the Alamogordo Lumber Co., predecessors in interest to the Southwest Lumber Co., dated October 18, 1917, and recorded in book 53, pages 257, 262, deed records of Otero County, N. Mex.: *Provided*, That said M. R. Prestridge Lumber Co. and its successors in interest shall leave uncut henceforth from the date of this act, all trees whose diameter at a point 4½ feet above ground equals 16 inches or less: *Provided further*, That the said M. R. Prestridge Lumber Co. and its successors in interest shall after date of this act comply with reasonable logging and occupancy restrictions prescribed by the Secretary to prevent unnecessary damage to public resources and interests including uncut timber and young growth, forage, soil, water,

improvements, and public health and to insure reasonable fire protection. The said company shall, after date of this act, conform to road construction and maintenance standards acceptable to the Secretary, but not higher than required of other purchasers of national forest timber on the Lincoln National Forest and shall contribute a fair share toward the maintenance of the national forest roads used for log and lumber hauling by them.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARTER OF PASSENGER SHIPS IN DOMESTIC TRADE

The bill (H. R. 9868) to amend the Merchant Ship Sales Act of 1946 to provide for the charter of passenger ships in the domestic trade was considered, ordered to a third reading, read the third time, and passed.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an explanation of H. R. 9868.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MAGNUSON ON H. R. 9868 (S. 3732)

This is a completely noncontroversial bill. Its purpose is to authorize the chartering of Government-owned, war-built passenger vessels for use in the domestic trade specifically, in the case of the proponents of this bill, to pave the way for application to the Maritime Board for approval for a proposed tourist-type passenger service between San Francisco and Honolulu.

There is authority presently in the law for charter of such vessels for use in foreign trade, but apparently the question of charter for domestic use has never arisen previously.

The responsible Government agencies favor the bill. The Seafarers International Union of North America urges its passage. The Hawaiian Visitors Bureau supports it. And the one passenger line operating in this service reports that it has no objection.

The Commerce Department took the position that passage of the bill would provide a desirable authority in the Government to charter any war-built passenger vessel in the defense reserve. It pointed out also that chartering of passenger vessels in the domestic trade would place in service additional units which would be readily available for military use in the event of an emergency and should be valuable operating units in our merchant marine.

The Commerce Department recommended that, in the interest of better arrangements, the bill be so worded as to amend section 5 (f) instead of section 5 (e) of the 1946 act, so that provisions for chartering passenger vessels be set forth in one subsection.

USES OF PUBLIC LANDS—BILL PASSED OVER

The bill (H. R. 1254) to provide authorization for certain uses of public lands was announced as next in order.

The PRESIDING OFFICER. A companion bill to this bill was objected to earlier in the day, and therefore the bill will go over.

Mr. KUCHEL. Mr. President, may I have unanimous consent to speak for a moment?

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from California may proceed.

Mr. KUCHEL. Mr. President, the objection lodged to the companion bill was one lodged by my friend, the Senator from Oregon [Mr. MORSE]. I had assumed, earlier in the evening, that it was to this bill which he had the idea of continuing to object this evening. I should like to ask my friend, the Senator from Oregon, if in this instance the material which I gave him from the State attorney general in California may have been able to indicate the necessity for this legislation or the companion bill to which earlier he objected?

Mr. MORSE. Mr. President, I always feel badly when I find myself in disagreement with the same colleague more than once on the Unanimous Consent Calendar. I can assure him that my difference with him is a sincere one. However, I would have no objection to the bill being called on the next call of the calendar.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the Senate bill to which objection was previously made and House bill 1254, which is almost, but not quite a companion measure, go over to the next call of the calendar.

The PRESIDING OFFICER. The bills will go over to the next call of the calendar.

AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF WESTERN LAND BOUNDARY FENCE PROJECT

The bill (S. 114) authorizing appropriations for the construction, operation, and maintenance of the western land boundary fence project, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there is authorized to be appropriated to the United States section, International Boundary and Water Commission, United States and Mexico, such sums as may be necessary for the construction, operation, and maintenance of the western land boundary fence project, as said project is presently planned or as the plans therefor may be amended from time to time.

SEC. 2. The said sums may be appropriated specifically for said project, or may be included with the appropriation for all construction projects of said United States section. The expenditures and appropriations herein authorized shall not be construed as placing a limitation on funds which may be hereafter appropriated for the operation and maintenance of said project. The United States Commissioner, International Boundary and Water Commission, United States and Mexico, notwithstanding the provisions of section 3679 of the Revised Statutes (31 U. S. C. 665), sections 3732 and 3733 of the Revised Statutes (41 U. S. C. 11 and 12), or any other law, may enter into contracts beyond the amount actually appropriated for so much of the work on said project as the physical and orderly sequence of construction or considerations of expediting said work make necessary or desirable, such contracts to be subject to and dependent upon future appropriations by Congress: *Provided*, That the total construction cost of said project shall not exceed $3,500,000.

SEC. 3. Notwithstanding any contrary provisions of appropriation or other acts applicable to said project, the United States section is authorized to acquire by purchase, exercise of the power of eminent domain, or by donation any real or personal property which may be necessary for such project, as determined by the United States Commissioner, including rights-of-way not exceeding 60 feet in width, as may be necessary for such boundary fence and roads parallel thereto required for the patrol and maintenance thereof.

SEC. 4. Notwithstanding any contrary provisions of law, any executive department, independent establishment, or other agency of the United States is authorized to transfer to the United States section, without payment or reimbursement therefor, (a) any equipment, supplies, or materials which any of these agencies may have and which may be needed for the construction, repair, operation, or maintenance of such boundary fence project by the United States section; and (b) any existing fences, or portions thereof on or along the United States-Mexican boundary, which may be under the jurisdiction of such other Federal agency. The United States section is hereby authorized to expend, out of funds made available for boundary-fence construction, any sums of money which may be necessary for the reconstruction, repair, and operation and maintenance of boundary fences so transferred.

SEC. 5. The said United States Commissioner, in his discretion, is authorized to employ personnel for the survey, inspection, construction, and supervision of construction of such fence project without regard to personnel ceilings otherwise imposed, and without regard to the civil-service laws or regulations requiring the employment of American citizens: *Provided*, That such employment shall not be for a period longer than that required for the completion of construction of such fence project, nor in any event for a period in excess of 3 years from the effective date of this act.

SEC. 6. Said fence project may be constructed by contract or by force account, or partly by contract and partly by force account, in the discretion of the said United States Commissioner; and in either event the provisions of title 41, United States Code, section 5, and other laws and regulations relating to advertising for proposals for purchases and contracts for supplies or services for departments of the Government and laws and regulations placing limitations upon the purchase of passenger-carrying or other motor-propelled vehicles shall be inapplicable to purchases and contracts for equipment and supplies or services for the survey, construction, or supervision of said fence project.

SEC. 7. The opinion of the Attorney General in favor of the validity of the title to any tract of land or easement therein to be acquired for right-of-way for said fence project shall not be required as a condition precedent to construction thereon when, in the opinion of the said United States Commissioner, such requirement would unduly delay the construction program and the interests of the United States are not jeopardized by the waiver of such requirement: *Provided*, That proceedings for the acquisition of such tracts or easements therein by purchase, exercise of the power of eminent domain, or condemnation have been commenced, and the consent of the record or apparent owner or owners of any such tract has been secured for the immediate occupancy thereof, or appropriate orders have been entered therefor in eminent domain proceedings: *Provided further*, That the United States Commissioner shall proceed, as expeditiously as may be possible, to secure title to such tracts or easements therein in the manner and to the extent required for the approval of the Attorney General in accordance with existing law: *Provided further*, That where portions of such fence are to be built within the right-of-way lines of existing State, county, or other public roads or highways, the United States Commissioner is authorized to accept, and the Attorney General is

authorized to approve, rights-of-way, easements, or licenses from any such State, county, or other public agency having jurisdiction thereover, subject to such conditions and limitations as may be required by State or municipal law or regulation, including, but not limited to, conditions requiring the removal of said fence, or portions thereof, to points outside of the right-of-way lines as may not be objectionable to the State, county, or other public agency concerned, where considerations of widening said roads or highways, or other considerations of public necessity, make such removal necessary, and when, in the opinion of the United States Commissioner, the interests of the United States will not thereby be unduly jeopardized. The opinion of the attorney general of the State wherein such rights-of-way, easements, or licenses are granted, if such opinion be obtained, shall be conclusive as to the right or authority of the State, county, or other public agency concerned, and of the officials thereof, to grant any such right-of-way, easement, or license.

EXTENSION OF CERTAIN PATENTS DURING CERTAIN EMERGENCY PERIODS—BILL PASSED OVER

The bill (H. R. 3534) to authorize the extension of patents covering inventions whose practice was prevented or curtailed during certain emergency periods was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. Mr. President, in view of the fact that the calendar committee on this side of the aisle has not received full and complete reports from the agencies involved, I ask that the bill go over until the next call of the calendar. I should like to say, in fairness, that we do have a report from the Department of Commerce, but I will not be entirely satisfied until I get the full report.

The PRESIDING OFFICER. The bill will be considered at the top of the next endar.

BILL PASSED OVER

The bill (H. R. 8898) to amend section 401 (e) (2) of the Civil Aeronautics Act, as amended, was announced as next in order.

Mr. HENDRICKSON. Mr. President, by request I ask that the bill go over.

Mr. SMATHERS. Mr. President, I ask unanimous consent that the bill be considered at the top of the next call of the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered, and the bill will be considered at the top of the next call of the calendar.

LAWRENCE F. KRAMER

The Senate proceeded to consider the bill (S. 2083) to confer jurisdiction upon the Court of Claims to hear the claim of Lawrence F. Kramer, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lawrence F. Kramer, of 354 East 42d Street, Paterson, N. J., the sum of $67,500 in full satisfaction of his claim against the United States for (1) compensation for services rendered by him during the period from 1935 to 1952 in assisting and enabling the United States to prosecute successfully criminal proceedings against certain defendants who had defrauded the Government in connection with fixing prices on Works Projects Administration projects in the State of New Jersey, and (2) for reimbursement for expenses incurred by him in rendering such services: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Lawrence F. Kramer."

M. M. HESS

The bill (H. R. 7762) for the relief of M. M. Hess was announced as next in order.

The PRESIDING OFFICER. The Chair will state that the amendment of the committee and the amendment by the Senator from New Jersey [Mr. HENDRICKSON] have been agreed to. Is there objection to the present consideration of the bill?

Mr. GORE. Mr. President, reserving the right to object, does the Chair refer to the amendment prohibiting the payment of interest?

The PRESIDING OFFICER. Yes.

Mr. GORE. I withdraw my objection.

The Senate resumed the consideration of the bill (H. R. 7762) for the relief of M. M. Hess.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time and passed.

INCREASE OF PENSIONS TO VETERANS AND DEPENDENTS

The bill (H. R. 9962) to increase by 5 percent the rates of pension payable to veterans and their dependents was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3772) to amend the Federal Property and Administrative Services Act of 1949, as amended, to provide for the payment of appraisers, auctioneers, and brokers fees, from the proceeds of disposal of Government surplus real property, and for other purposes was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

EXTENSION OF AUTHORITY OF THE SECRETARY OF THE INTERIOR TO ISSUE CERTAIN PATENTS—BILL PASSED TO NEXT CALL OF THE CALENDAR

Mr. FERGUSON. Mr. President, why was Calendar No. 2351, S. 3716, passed over?

The PRESIDING OFFICER. It was not placed at the foot of the calendar.

Mr. FERGUSON. I ask unanimous consent that it may be brought up on the next call of the calendar.

Mr. HENDRICKSON. Mr. President, if the Senator will yield, we have a definite agreement concerning this measure.

Mr. FERGUSON. Mr. President, I understand it will be called on the next call of the calendar.

The PRESIDING OFFICER. Without objection, the bill will be called on the next call of the calendar.

BILL PASSED OVER

The bill (S. 3844) to provide for a reciprocal and more effective remedy for certain claims arising out of the acts of military personnel and to authorize the pro rata sharing of the cost of such claims with foreign nations, and for other purposes was announced as next in order.

Mr. SMATHERS. Over.

The PRESIDING OFFICER. The bill will be passed over.

REVIEW OF CUSTOMS TARIFF SCHEDULES, ETC.

The bill (H. R. 10009) to provide for the review of customs tariff schedules, to improve procedures for the tariff classification of unenumerated articles, to repeal or amend obsolete provisions of the customs laws, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. GORE. Mr. President, reserving the right to object, I wish to say that at the last call of the calendar I registered an objection to the bill. Since that time I have had an opportunity to confer with the distinguished Senator from Georgia, and also with Representative COOPER, of Tennessee, and Representative MILLS, of Arkansas, both of whom are members of the House Ways and Means Committee. All three distinguished Members of Congress recommend the passage of the bill. Therefore I withdraw objection.

Mr. MALONE. Mr. President, may we hear what the amendments are?

The PRESIDING OFFICER. The clerk will state the amendments.

The amendments which had been reported from the Committee on Finance were, on page 2, line 1, after the word "classified", to strike out "for the purpose of determining the applicable rate of duty or exemption from duty" and insert "for tariff purposes"; at the beginning of line 4, to strike out "certain" and insert "related"; in line 12, after "(1)", to strike out "established" and insert

"establish"; in line 21, after the word "classifications", to strike out:

With respect to particular products by (i) eliminating multiple provisions for the tariff treatment of the same product; (ii) revising tariff descriptions; (iii) establishing a single classification provision for each group of articles which are subject now to different classifications but which are similar in character and in competitive relationship to products of the United States; (iv) changing forms of rates of duty; and (v) establishing consistent and simplified principles and standards of tariff classification.

(b) The schedules prepared in accordance with subsection (a) shall specify two recommended rates of duty for each classification provision in the dutiable schedules, which rates may be identical or different. Such rates shall be respectively (1) the rate, or equal in ad valorem equivalent to the rate or rates, applicable on the date of completion of the schedules (even though temporarily suspended by act of Congress) to articles covered by such classification provision which are products of countries whose products are not at that time entitled to the benefits of reduced rates of duty established pursuant to trade agreements entered into under the authority of section 350 of the Tariff Act of 1930 as amended (U. S. C., 1952 edition, title 19, sec. 1351) and (2) the rate, or equal in ad valorem equivalent to the rate or rates, applicable on the date of completion of the schedules (even though temporarily suspended by act of Congress) to articles covered by such classification provision which are products of countries, other than Cuba and the Philippine Republic, whose products are at that time entitled to the benefits of rates of duty established pursuant to the aforesaid trade agreements. For the purposes of specifying all rates of duty in the schedules, such tolerances shall be applied as the Commission shall deem appropriate to round out the rates within reasonable standards of uniformity. If the Commission in preparing its schedules changes the form of the rate of any duty, or establishes a single classification provision for a group of articles formerly subject to different rates of duty, the revised rates, whether ad valorem, specific, or compound, shall be those which, in the judgment of the Commission, will bring substantially the same amount of duties as would have been collected by application of the superseded rate or rates, based upon reasonably available information as to the amounts of duties which were and would have been collected on imports entered, or withdrawn from warehouse, for consumption, during the calendar years 1952 and 1953.

(c) The schedules prepared in accordance with the preceding subsections shall be accompanied by a statement of the amount of each difference between an existing rate and the corresponding rate in the schedule, based upon reasonably available information as to the amounts of duties which were, and which by application of the schedule rates would have been, collected on imports entered, or withdrawn from warehouse, for consumption, during the calendar years 1952 and 1953. They shall also be accompanied by summaries of all the data on the basis of which the new rates in the schedules were calculated.

On page 5, after line 2, to insert:

(b) The Commission shall seek to accomplish the purposes of subsection (a) without suggesting changes in any rate or rates of duty on individual products, whether those rates are applied by statute or by Presidential proclamation. Where, however, in the judgment of the Commission, the purposes of subsection (a) cannot be accomplished without such changes, the Commission shall specify each incidental change in rates which in its judgment would accomplish such purposes, and shall accompany it with a summary of all the data on which such suggested change was based, together with a statement of the probable effect of such suggested change on any industry in the United States. Before suggesting any changes in rates of duty, the Commission shall give public notice of its intention to do so and shall afford reasonable opportunity for parties interested to be present, to produce evidence, and to be heard at public hearings with respect to the probable effect of such suggested changes on any industry in the United States.

On page 5, line 21, to change the subsection letter from "(d)" to "(c)"; in line 23, after the word "data", to insert "and statements"; on page 6, line 3, to change the subsection letter from "(e)" to "(d)"; after line 12, to insert:

(e) The Commission may invoke all the powers granted to it under part II, title III, of the Tariff Act of 1930, as amended, and is authorized to make reasonable rules and regulations, for the purpose of carrying out its functions under this title.

After line 17, to insert:

(f) The Commission may procure temporary and intermittent services in accordance with section 15 of the act of August 2, 1946 (5 U. S. C., sec. 55a), but at rates not to exceed $75 per diem for individuals. The Commission may reimburse employees, experts, and consultants for travel, subsistence, and other necessary expenses incurred by them in the performance of their official duties, and make reasonable advances to such persons for such purposes. Service by a person pursuant to the first sentence of this subsection shall not be considered as service or employment bringing such person within the provisions of section 281, 283, 284, or 1914 of title 18 of the United States Code, or section 512 of the Mutual Security Act of 1954, or section 190 of the Revised Statutes (5 U. S. C., sec. 99).

On page 7, line 7, to change the subsection letter from "(f)" to "(g)"; in line 11, in the heading, after "Title II", to strike out "Tariff Classification of"; in line 12, in the heading, after the word "Articles" to insert "American Goods Returned"; on page 8, after line 11, to insert:

CERTAIN METAL ARTICLES RETURNED TO UNITED STATES

SEC. 202. Paragraph 1615 (g) of the Tariff Act of 1930, as amended (U. S. C., 1952 edition, title 19, sec. 1201, par. 1615 (g)), is further amended to read as follows:

"(g) (1) Any article exported from the United States for repairs or alterations may be returned upon the payment of a duty upon the value of the repairs or alterations at the rate or rates which would apply to the article itself in its repaired or altered condition if not within the purview of this subparagraph (g).

"(2) If—

"(A) any article of metal (except precious metal) manufactured in the United States or subjected to a process of manufacture in the United States is exported for further processing; and

"(B) the exported article as processed outside the United States, or the article which results from the processing outside the United States, as the case may be, is returned to the United States for further processing,

then such article may be returned upon the payment of a duty upon the value of such processing outside the United States at the rate or rates which would apply to such article itself if it were not within the purview of this subparagraph (g).

"(3) This subparagraph (g) shall not apply to any article exported—

"(A) from bonded warehouse or from continuous customs custody elsewhere than bonded warehouse with remission, abatement, or refund of duty;

"(B) with benefit of drawback through substitution or otherwise; or

"(C) for the purpose of complying with any law of the United States or regulation of any Federal agency requiring exportation.

"(4) For the purposes of this subparagraph (g), the value of repairs, alterations, or processing outside the United States shall be considered to be—

"(A) the cost to the importer of such repairs, alterations, or processing; or

"(B) if no charge is made, the value of such repairs, alterations, or processing,

as set out in the invoice and entry papers; except that, if the Secretary of the Treasury concludes that the amount so set out does not represent a reasonable cost or fair value, as the case may be, then the value of the repairs, alterations, or processing shall be determined in accordance with section 402 of this act. No appraisement of the imported article in its repaired, altered, or processed condition shall be required unless necessary to a determination of the rate or rates of duty applicable to such article."

On page 11, line 15, after the word "from", to insert "the invoice or other papers or from"; in line 16, after the word "him", to insert "or to any person to whom authority under this section has been delegated"; in line 18, after the word "exporter's", to strike out "sale" and insert "sales"; in line 24, after the word "than", to strike out "sixty" and insert "one hundred and twenty"; in line 25, after the word "been", to insert "raised by or"; on page 12, at the beginning of line 1, to insert "or any person to whom authority under this section has been delegated"; in line 12, after the word "than", to strike out "sixty" and insert "one hundred and twenty"; at the beginning of line 14, to insert "raised by"; in the same line, after the word "Secretary", to insert "or any person to whom authority under section 201 has been delegated"; in line 18, after the word "exporter's", to strike out "sale" and insert "sales"; on page 14, line 13, after "SEC. 402. (a)", to strike out "section 3 of the act of March 3, 1917 (39 Stat. 1133), as amended (U. S. C., 1952 edition, title 48, sec. 1394), is amended to read as follows" and insert "section 28 (d) of the Revised Organic Act of the Virgin Islands, approved July 22, 1954, is amended to read as follows"; in line 18, at the beginning of the line, to strike out "SEC. 3." and insert "(d)"; in line 22, after the word "section", to strike out "3350" and insert "7652 (b)"; in the same line, after the word "Code", to insert "of 1954"; on page 15, after line 3, to strike out:

TITLE V. OBSOLETE PROVISIONS OF CUSTOMS LAWS

SEC. 501. The following obsolete, inoperative, and unnecessary statutes and parts thereof relating to the duties, functions, and operations of certain officers and employees of the Customs Service are repealed:

1. Section 2649, Revised Statutes (U. S. C., 1952 edition, title 19, sec. 12).

2. Section 1 of the act of March 4, 1911 (ch. 285, 36 Stat. 1393), as amended, and so much of the acts of August 15, 1876 (19 Stat. 152), March 3, 1891 (26 Stat. 968), March 4, 1911 (36 Stat. 1393), and March 4, 1923 (42 Stat. 1453), as relate to the number and

titles of special agents or members of the Customs Special Agency Service (U. S. C., 1952 edition, title 19, sec. 13).

3. Section 2651, Revised Statutes (U. S. C., 1952 edition, title 19, sec. 14).

4. Section 2999, Revised Statutes (U. S. C., 1952 edition, title 19, sec. 15).

5. Section 2940, Revised Statutes, as amended (U. S. C., 1952 edition, title 19, sec. 16).

6. Section 2941, Revised Statutes (U. S. C., 1952 editon, title 19, sec. 17).

7. Section 2942, Revised Statutes (U. S. C., 1952 edition, title 19, sec. 18).

8. Section 2616, Revised Statutes (U. S. C., 1952 edition, title 19, sec. 21).

9. Section 2614, Revised Statutes, as amended (U. S. C., 1952 edition, title 19, sec. 22).

10. Section 2615, Revised Statutes, as amended (U. S. C., 1952 edition, title 19, sec. 23).

11. Section 2617, Revised Statutes, as amended (U. S. C., 1952 edition, title 19, sec. 24).

12. Section 2611, Revised Statutes, as amended (U. S. C., 1952 edition, title 19, sec. 26).

13. Section 11 of the act of February 8, 1875 (ch. 36; 18 Stat. 309), as amended (U. S. C., 1952 edition, title 19, sec. 27).

14. Act of September 24, 1914 (ch. 309, 38 Stat. 716; U. S. C., 1952 edition, title 19, sec. 28).

15. Section 2627, Revised Statutes, as amended (U. S. C., 1952 edition, title 19, sec. 40).

16. Section 2687, Revised Statutes (U. S. C., 1952 edition, title 19, sec. 53).

17. Section 2646, Revised Statutes (U. S. C., 1952 edition, title 19, sec. 54).

18. Section 2647, Revised Statutes, as amended (U. S. C., 1952 edition, title 19, sec. 55).

19. Section 2944, Revised Statutes (U. S. C., 1952 edition, title 19, sec. 56).

20. Section 2648, Revised Statutes, as amended (U. S. C., 1952 edition, title 19, sec. 57).

21. Section 2635, Revised Statutes, as amended (U. S. C., 1952 edition, title 19, sec. 59).

22. Section 2580, Revised Statutes (U. S. C., 1952 edition, title 19, sec. 61).

23. Act of December 18, 1890 (ch. 22, 26 Stat. 690), as amended (U. S. C., 1952 edition, title 19, sec. 62).

24. Section 258, Revised Statutes (U. S. C., 1952 edition, title 19, sec. 37).

25. Section 2612, Revised Statutes (U. S. C., 1952 edition, title 19, sec. 379).

26. Section 2918, Revised Statutes (U. S. C., 1952 edition, title 19, sec. 390).

27. Section 13 of the Act of June 22, 1874 (ch. 391, 18 Stat. 188; U. S. C., 1952 edition, title 19, sec. 494).

28. Act of February 10, 1913 (ch. 35, 37 Stat. 665; U. S. C., 1952 edition, title 19, sec. 542).

29. Section 3650, Revised Statutes, as amended (U. S. C., 1952 edition, title 31, sec. 549).

30. So much of section 3689 of the Revised Statutes (U. S. C., 1952 edition, title 31, sec. 711 (7)) as reads: "Repayment of excess of deposits for unascertained duties (customs): To repay to importers the excess of deposits for unascertained duties, or duties or other moneys paid under protest."

31. So much of section 1 of the act of September 30, 1890 (ch. 1126, 26 Stat. 511), as reads: "And such clerks and inspectors of customs as the Secretary of the Treasury may designate for the purpose shall be authorized to administer oaths, such as deputy collectors of customs are now authorized to administer, and no compensation shall be paid or charge made therefor."

SEC. 502. Subsection (f) of section 500 of the Tariff Act of 1930 (U. S. C., 1952 edition, title 19, sec. 1500 (f)) is amended by deleting from the second sentence the words "take the oath."

SEC. 503. Section 583 of the Tariff Act of 1930 (U. S. C., 1952 edition, title 19, sec. 1583) is amended by deleting therefrom the words "the back of."

On page 18, line 20, to change the title number from "VI" to "V"; in line 22, to change the section number from "601" to "501"; on page 19, line 18, to change the section number from "602" to "502"; on page 20, line 2, after "(a)", to strike out "Every" and insert "Except as specified in the proviso to section 594 of this act, every"; in line 18, to change the section number from "603" to "503"; on page 21, line 18, to change the section number from "604" to "504"; on page 22, line 5, to change the section number from "605" to "505"; in line 18, to change the section number from "606" to "506"; in line 23, to change the section number from "607" to "507"; on page 23, line 3, to change the title number from "VII" to "VI"; in line 4, to change the section number from "701" to "601"; and in the same line, after the word "and" to strike out "VI" and insert "V."

The PRESIDING OFFICER. The question is on agreeing to the amendments of the committee.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

THE SO-CALLED CUSTOMS SIMPLIFICATION BILL

The PRESIDING OFFICER. The bill having been read a third time, the question is, Shall it pass?

Without objection——

Mr. MALONE. Mr. President, reserving the right to object, I should like to ask the distinguished chairman of the Finance Committee whether all the amendments which have just been read were approved by the Senate Finance Committee.

Mr. MILLIKIN. I think they were approved, after a considerable debate between ourselves—I refer to the distinguished Senator from Nevada and myself—and after numerous meetings with the Government agencies affected, who met with the members of the Senate Finance Committee to discuss the thoughts we developed as we went along to meet the points the Senator from Nevada had in mind.

Mr. MALONE. Mr. President, still reserving the right to object, I want to say for the benefit of the record that for several years we have had a continual stream of these so-called customs simplification bills—customs simplification always including the lowering of the import fees or tariffs or duties as they are called in the Constitution of the United States.

The final net result is always a reduction of such duties or fees through what is called simplification—either through changing the valuation from the American valuation to the foreign valuation, or changing classifications to take a lower duty.

Again for the benefit of the record, let me say that the junior Senator from Nevada has discussed this bill with the Secretary of the Treasury and it is understood that there is no intention on his part of disturbing the tariff structure through this proposed legislation and that the Secretary will cooperate with the Senate Finance Committee in preventing such further misrepresentations under the general heading of simplification.

All over the country we have continuous propaganda relative to customs simplification which always adds up to only one thing, namely, reclassification or revaluation to take a lower duty. The junior Senator from Nevada is tired of it, and serves notice now that any furthere simplification bill cloaking such tariff or duty revisions will be debated on the Senate floor until thoroughly understood by a long-suffering public.

It has become the custom to present such bills during the closing days of the sessions when there is no time for hearings or even adequate reading and study.

It is time the workingmen's jobs and the investors' money is again protected through the principle of a flexible tariff or duty adjusted by the Tariff Commission as an agent of Congress on the basis of fair and reasonable competition—the tariff or duty representing the difference between the wages and taxes here and in the chief competing country.

The PRESIDING OFFICER. Does the Senator from Nevada offer further objection?

Mr. MALONE. Mr. President, I do not object.

Mr. DOUGLAS. Mr. President, will the Senator from Nevada yield for a question?

Mr. MALONE. I am happy to yield for a question.

Mr. DOUGLAS. Do I correctly understand that the Senator from Nevada is objecting to a part of the legislative program fo simplification of tariff duties?

Mr. MALONE. I am objecting to the type of simplification the junior Senator from Illinois always favors—that is a lowering of tariffs and putting foreign sweatshop labor directly into competition with American workers and investors.

Mr. DOUGLAS. Do I correctly understand that the Senator from Nevada is opposed to the President's program?

Mr. MALONE. I am opposed to anybody's program which includes a lowering of tariffs or duties putting the American workingman in direct competition with the sweatshop labor of Europe and Asia. This includes the foreign-trade program, which has always been supported by the Senator from Illinois.

The PRESIDING OFFICER. The amendments having been engrossed, and the bill read a third time; the question is, Shall the bill pass?

The bill (H. R. 10009) was passed.

The title was amended so as to read: "An act to provide for the review of customs tariff schedules, to improve procedures for the tariff classification of unenumerated articles, and for other purposes."

TRANSMITTAL OF INTERNATIONAL AGREEMENTS TO SENATE WITHIN 30 DAYS AFTER EXECUTION

The bill (S. 3067) to require that international agreements other than treaties,

hereafter entered into by the United States, be transmitted to the Senate within 30 days after the execution thereof, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SMATHERS. There is no objection from this side to the present consideration of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

TRIBUTE TO SENATOR PAYNE, OF MAINE

Mr. HOLLAND. Mr. President, reserving the right to object, in connection with the consideration of Senate bill 3067—although I do not intend to object—let me say that in view of the effective activities on the part of the distinguished junior Senator from Maine [Mr. PAYNE], who now is presiding so ably over the Senate—and I refer to his necessary activities in keeping the Members of the Senate in a proper state of discipline and good working order—I think perhaps a brief item just carried on the Associated Press ticker may be appropriately read at this time:

WASHINGTON.—A statistically minded Senate parliamentarian figured out today that the Senate under the rapid gaveling of Senator PAYNE (Republican, Maine) has established an all-time record in bill passage.

Starting in on a mountainous accumulation of bills Tuesday night with Maine's former governor in the chair the Senate whipped through 47 bills in 10 minutes.

With PAYNE again presiding on Wednesday the Senate took up its calendar at 10:15 a. m., and by 2:15 p. m., just 4 hours later, had considered 432 bills, passing 366 and deferring 66 for later action.

At one point PAYNE called up and banged through private immigration bills at the rate of 100 in 10 minutes.

At the end of the gruelling session PAYNE looked fresh but admitted he was "a bit weary."

I thought the insertion into the RECORD at this time of that item might be an inspiration to future presiding officers of the Senate. [Laughter and applause.]

The PRESIDING OFFICER (Mr. PAYNE in the chair). Let the Chair state that if the Chair had the right to do so, he would rule the Senator from Florida out of order. [Laughter.]

Mr. MALONE. Mr. President, will the Senator from Florida yield for a question?

Mr. HOLLAND. I yield.

Mr. MALONE. Was the distinguished Senator from Florida apologizing for the Senate to the country, or is it supposed to be a compliment to have the Senate pass 47 bills in 10 minutes, without consideration at all?

Mr. HOLLAND. In reply to my distinguished friend, Mr. President, I may say that I think it is a compliment to the Senate committees for their care in getting the bills in excellent shape, and to the expedition of the junior Senator from Maine [Mr. PAYNE], who has been presiding over the Senate in such commendable fashion; and, besides, I thought the inclusion of that item at this particular time might inspire future Senators and future presiding officers to continue to expedite the business of the Senate. In addition, I thought that the people of the Nation might be pleasantly surprised to hear that their Senate, which at times is said to spend vast amounts of time on one bill, can make such speedy progress on occasion?

Mr. HUMPHREY. Mr. President, will the Senator from Florida yield to me?

Mr. HOLLAND. I yield.

Mr. HUMPHREY. I think the Senator from Florida should include in the commendation the distinguished Members of the Senate who serve on the two calendar committees. I notice that the calendar committee on this side of the aisle is composed of Members of the Senate who have been most faithful and loyal in watching over the calendar in behalf of all Members of the Senate on this side of the aisle, as each of us individually watches over the measures relating to our respective interests and fields. I think those Senators have done an extremely fine job.

Mr. HOLLAND. I thoroughly agree with my distinguished friend, the Senator from Minnesota, in extending the commendation to my colleague, the distinguished junior Senator from Florida [Mr. SMATHERS], to the distinguished junior Senator from Tennessee [Mr. GORE], and in referring equally to the calendar committee serving so faithfully and tirelessly on the other side of the aisle, to the distinguished junior Senator from New Jersey [Mr. HENDRICKSON], and to the distinguished junior Senator from Kentucky [Mr. COOPER]. Certainly all of these able Senators are entitled to receive the accolade of the Senate.

TRANSMITTAL OF INTERNATIONAL AGREEMENTS TO SENATE WITHIN 30 DAYS AFTER EXECUTION

The PRESIDING OFFICER. Calendar No. 2365, Senate bill 3067, requiring that international agreements other than treaties, hereafter entered into by the United States, be transmitted to the Senate within 30 days after the execution thereof, has already been announced as next in order.

Is there objection to the present consideration of the bill?

Mr. SMATHERS. Mr. President, reserving the right to object, in order to slow down the proceedings a little, let me state that we have received a request for an explanation of the bill.

Mr. FERGUSON. I should like to give the explanation.

Mr. President, I wish to speak very briefly concerning the bill (S. 3067) which, under the committee amendment, would require international agreements other than treaties to be transmitted to the Senate within 60 days after they have been concluded.

This bill would amend section 112 of title I of the United States Code by adding a new section, 112b, enlarging the duty of the Secretary of State to keep Congress and the people informed concerning the existence of agreements which are concluded between other governments and our own.

At the present time, section 112a requires the Secretary of State to compile and publish all treaties to which the United States is a party, that have been proclaimed during each calendar year. Information with respect to international agreements other than treaties—loosely described as executive agreements—has not in the past been available as quickly as it should have been to satisfy many members of the Senate. The present bill would ensure that the Senate be kept regularly advised as to the subject matter of agreements which are finalized by the Executive alone.

Under the committee amendment, all such agreements must be transmitted to the Senate within 60 days, except for those agreements which, for security reasons, are classified, and which the President does not believe should in the national interest be disclosed to the general public. The latter category would, under the bill, be transmitted, with appropriate security safeguards, to the Senate Committee on Foreign Relations. Members of that committee will thus be kept fully informed as to the nature of the obligations assumed by our Government in such agreements.

The bill will not only encourage greater liaison between the Executive and Congress throughout the entire range of the treaty process, but will remove some of the objections which in the past have been made on this floor, to the effect that this Nation was being committed to undertakings which the Senate had no opportunity to learn about until long afterward.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MONRONEY. Mr. President, reserving the right to object, I should like to ask the distinguished Senator from Michigan if he can inform the Senate who is to decide which of those agreements are executive agreements, and which are made under the President's authority as Commander in Chief of the armed services?

Mr. FERGUSON. This bill would cover all executive agreements, whether they were made under authority of the bill, or under his power as Commander in Chief; and he would determine whether or not they were such that they should be brought only to the Senate committee. There is no objection on the part of the State Department.

As I recall, decision on both sides of the aisle in the committee was unanimous.

Mr. MONRONEY. The distinguished Senator has not yet clarified the question for me, unless he is now telling the Senate that all the agreements made by the Executive, whether or not made as Commander in Chief, even in time of war, must be sent to the Senate and made a matter of public knowledge to the Senate.

Mr. FERGUSON. Not made public knowledge to the Senate. The agreement would be made available to the Senate or, if the President thought the security of the Nation was at stake, to the Foreign Relations Committee. The President would determine that question.

Mr. MONRONEY. I can understand the desire of the Senate to have these international agreements, but since this bill has absolutely nothing in it that I have been able to find, involving the duties and prerogatives of the Executive and the necessary secrecy surrounding the powers of the Commander in Chief in time of war, I wonder if we are not rushing headlong into something which might even threaten us with military disaster.

Mr. KNOWLAND. Mr. President, if the Senator will yield, I do not believe the pending measure would have that effect at all. In the first place, it is not unusual in the history of our country for the President to send to the Senate, under the ban of secrecy, and before the ban of secrecy is removed, treaties which have been negotiated and the Senate ratifies them in open session later. In this case a report was made by a subcommittee representing both sides of the aisle; and, as I recall, the bill was reported unanimously by the Foreign Relations Committee. What we were trying to do was to keep the Senate of the United States, which has the responsibility in the field of foreign policy, from operating in the dark in connection with important executive agreements which might have great effect upon our country, without any knowledge of such agreements on the part of the Senate or the Committee on Foreign Relations of the Senate, which has a direct responsibility in dealing with matters of foreign policy.

When such agreements are filed at the U. N. it seems to me that not to require such information, to deprive the Senate of knowledge of them, is merely blinding ourselves to a source of information which I think the Senate is entitled to have.

Mr. MONRONEY. I am in perfect agreement with respect to international agreements as such, but I tried to get from the distinguished Senator from Michigan [Mr. FERGUSON] a statement as to where the dividing line is as between agreements which are made on a military basis by the Commander in Chief, with respect to which agreements can be permitted in the realm of our military security in relationship to time of war or peacetime, and other international agreements.

Mr. FERGUSON. I quote from the report of the committee:

> At the present time, section 112a of title I of the United States Code requires the Secretary of State to compile and publish, beginning with January 1, 1950, a compilation entitled "United States Treaties and International Agreements," containing all treaties to which the United States is a party, that have been proclaimed during each calendar year, along with international agreements other than treaties concluded by the United States during each calendar year.

To answer the Senator's question, the President of the United States would decide what is to be made public and what is not. When he makes an executive agreement under his power as Commander in Chief, under the present law he must publish it in a volume at the end of the year. The proposed legislation would require him only to give it secretly and confidentially to the Foreign Relations Committee within 60 days. It would speed up operations.

Mr. MONRONEY. The distinguished Senator from Michigan has not yet approached the question on the basis of which I made my reservation of objection, namely, the dividing line as between the constitutional prerogatives with respect to executive agreements and the powers and rights of the Chief Executive as Commander in Chief.

Of course, executive agreements, as such, should come to the Senate and be filed. In time of war or in time of crisis, if a real security question is involved, they should be kept secret. During many weeks of debate on the Bricker amendment, a subject very similar to this, no Member of the Senate, so far as I could tell, could properly define the area of power constitutionally belonging to the President as Commander in Chief and the area of power reserved with respect to treaties and executive agreements. I think it is too much to expect the Senate, on a call of the calendar at 9:30 at night, after 11½ hours of fast debate, to pass on a bill as vital as this may be, requiring disclosures to the Senate, which would conflict with the constitutional prerogatives of the Commander in Chief.

Mr. KNOWLAND. If the Senator desires to cut the Senate off from sources of information, of course, he is entirely within his right in objecting.

Mr. MONRONEY. The majority leader knows I am inquiring about the distinction between the rights of the President as Commander in Chief and the rights and prerogatives of the President with respect to international agreements.

Mr. FERGUSON. There is no distinction in the Constitution between such powers. They are all constitutional powers. The President's Secretary of State has no objection to the bill in this form.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MALONE. Mr. President, reserving the right to object, I should like to ask the distinguished Senator from Michigan a question. Does the requirement with respect to disclosure of these treaties include trade agreements?

Mr. FERGUSON. Yes; it would include all agreements.

Mr. MALONE. If this bill should be enacted, as I understand, the President of the United States would still determine whether a given agreement should be secret or whether it should be disclosed. He would decide whether the security of the country was involved. A former President decided that the agreements made at Yalta should not be disclosed to the country. This provision would not have safeguarded the country from the Yalta agreement.

Mr. FERGUSON. Under the present law the agreements made at Yalta would have had to be published within a year, or at the end of the year. Under the bill which we are now considering they would have to be filed with the Senate within 60 days.

Mr. MALONE. Not if the President of the United States considered the national security to be involved.

Mr. FERGUSON. In any event, he would have to file it with the Committee on Foreign Relations of the Senate. At the end of the year, under the present law, without exception, it would have to be published.

Mr. MALONE. I did not understand the Senator from Michigan to describe it in that manner. I understood him to say that if the President of the United States considered it a security measure, or for security purposes, he would not be required to file it.

Mr. FERGUSON. He must file it. Under present law, it would not be released to the public until it was published at the end of the year, long after execution. Under this bill, he would have to file it with the committee.

Mr. SMATHERS. Mr. President, in view of the fact that there is so much debate and discussion on the bill, I ask that it go over.

The PRESIDING OFFICER. Objection is heard. The bill goes over.

DISPOSITION OF WAGES AND EFFECTS OF DECEASED AND DESERTING SEAMEN

The bill (S. 2017) to revise the procedure in the district courts relating to the disposition of the wages and effects of deceased and deserting seamen was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. GORE. Reserving the right to object, I should like to have an explanation of the bill, particularly as to why the Department concerned was not consulted.

Mr. McCARRAN. While I make this explanation, I hope Senators will also remember that the Senator from Nevada is acting temporarily in the absence of the chairman of the Committee on the Judiciary.

This is a bill designed to provide a better method of dealing with the wages and effects of deceased and deserting seamen. It follows the recommendations of a committee of seven distinguished district judges of the United States.

At the present time, numerous ministerial duties with regard to the effects of deceased and deserting seamen are imposed upon the courts. These include such tasks as having custody of the effects, inventorying them, giving them protection, and so on.

Under this bill, these administrative duties, which have become so burdensome to the courts, would be handed over to the Coast Guard.

Let me stress the fact that only custodial and administrative duties are involved, and that under this bill, performance by the Coast Guard of its new responsibilities would be subject to the Administrative Procedure Act wherever applicable.

This bill has the approval of the Judicial Conference of the United States.

Mr. GORE. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. GORE. Is the Senator advised as to the position of the Coast Guard itself in this regard?

Mr. McCARRAN. My information is that the Coast Guard does not want the job.

Mr. GORE. It does not want the job?

Mr. McCARRAN. That is correct.

Mr. GORE. And the judges want to get rid of the job. Is that true?

Mr. McCARRAN. That is true.

Mr. GORE. That leaves the junior Senator from Tennessee in a worse spot than he was in at the beginning. I shall resolve the doubt in favor of the perspicacity of the senior Senator from Nevada, and withdraw my objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That sections 4539, 4540, 4541, 4542, 4543, 4544, and 4545 of the Revised Statutes of the United States (46 U. S. C. 622, 623, 624, 625, 626, 627, 628) are amended to read as follows:

"SEC. 4539. In cases embraced by the preceding section, the following rules shall be observed:

"First. If the vessel proceeds at once to any port in the United States, the master shall, within 48 hours after his arrival, deliver any such effects remaining unsold, and pay any money which he has taken charge of or received from such sale, and the balance of wages due to the deceased, to the Coast Guard official to whom the duties of shipping commissioner have been delegated at the port of destination in the United States.

"Second. If the vessel touches and remains at some foreign port before coming to any port in the United States, the master shall report the case to the United States consular officer there, and shall give to such officer any information he requires as to the destination of the vessel and probable length of the voyage; and such officer may, if he considers it expedient so to do, require the effects, money, and wages to be delivered and paid to him, and shall, upon such delivery and payment, give to the master a receipt; and the master shall within 48 hours after his arrival at his port of destination in the United States produce the same to the Coast Guard official to whom the duties of shipping commissioner have been delegated there. Such consular officer shall, in any such case, indorse and certify upon the agreement with the crew the particulars with respect to such delivery and payment.

"Third. If the consular officer does not require such payment and delivery to be made to him, the master shall take charge of the effects, money, and wages, and shall, within 48 hours after his arrival at his port of destination in the United States, deliver and pay the same to the Coast Guard official to whom the duties of shipping commissioner have been delegated there.

"Fourth. The master shall, in all cases in which any seaman or apprentice dies during the voyage or engagement, give to such officer or Coast Guard official to whom the duties of shipping commissioner have been delegated an account, in such form as they may respectively require, of the effects, money, and wages so to be delivered and paid; and no deductions claimed in such account shall be allowed unless verified by an entry in the official log book, if there be any; and by such other vouchers, if any, as may be reasonably required by the officer or Coast Guard official to whom the duties of shipping commissioner have been delegated to whom the account is rendered.

"Fifth. Upon due compliance with such of the provisions of this section as relate to acts to be done at the port of destination in the United States, the Coast Guard official to whom the duties of shipping commissioner have been delegated shall grant to the master a certificate to that effect. No officer of customs shall clear any foreign-going vessel without the production of such certificate.

"SEC. 4540. Whenever any master fails to take such charge of the money or other effects of a seaman or apprentice during a voyage, or to make such entries in respect thereof, or to procure such attestation to such entries, or to make such payment or delivery of any money, wages, or effects of any seaman or apprentice dying during a voyage, or to give such account in respect thereof as is above directed, he shall be accountable for the money, wages, and effects of the seaman or apprentice to the Coast Guard in whose jurisdiction such port of destination is situate, and shall pay and deliver the same accordingly; and he shall, in addition, for every such offense, be liable to a penalty of not more than treble the value of the money or effects, or, if such value is not ascertained, not more than $1,000; and if any such money, wages, or effects are not duly paid, delivered, and accounted for by the master, the owner of the vessel shall pay, deliver, and account for the same, and such money and wages and the value of such effects shall be recoverable from him accordingly; and if he fails to account for and pay the same, he shall, in addition to his liability for the money and value be liable to the same penalty which is incurred by the master for a like offense; and all money, wages, and effects of any seaman or apprentice dying during a voyage shall be recoverable in the courts and by the modes of proceeding by which seamen are enabled to recover wages due to them.

"SEC. 4541. Whenever any such seaman or apprentice dies at any place out of the United States, leaving any money or effects not on board of his vessel, the consular officer of the United States at or nearest the place shall claim and take charge of such money and effects, and shall, if he thinks fit, sell all or any of such effects, or any effects of any deceased seaman or apprentice delivered to him under the provisions of section 4539 (46 U. S. C. 622), and shall quarterly remit to the Commandant of the Coast Guard all moneys belonging to or arising from the sale of the effects or paid as the wages of any deceased seamen or apprentices which have come to his hands; and shall render such accounts thereof as the Commandant of the Coast Guard requires.

"SEC. 4542. Whenever any seaman or apprentice dies in the United States, and is, at the time of his death, entitled to claim from the master or owner of any vessel in which he has served, any unpaid wages or effects, such master or owner shall pay and deliver, or account for the same, to the Coast Guard official to whom the duties of shipping commissioner have been delegated at the port where the seaman or apprentice was discharged, or was to have been discharged or where he died.

"SEC. 4543. All claims with respect to the money and effects of any seaman, paid, remitted, or delivered to the Coast Guard pursuant to the provisions of section 4539 (46 U. S. C. 622) or section 4604 (46 U. S. C. 706), shall be heard by an examiner of the Coast Guard appointed pursuant to the provisions of the Administrative Procedure Act (5 U. S. C. 1001–1011) with the right of review by appeal within thirty days after final action by the examiner, to the district court embracing the port from which such vessel sailed, or the port where the voyage terminates, by any party.

"SEC. 4544. If the money and effects of any seaman or apprentice paid, remitted, or delivered to the Coast Guard, including the moneys received for any part of his effects which have been sold, either before delivery to the Coast Guard or by direction of an examiner, do not exceed in value the sum of $1,000, then, subject to the provisions hereinafter contained, and to all such deductions for proven expenses incurred in respect to the seaman or apprentice, or of his money and effects, as the said examiner thinks fit to allow, the examiner may direct the Coast Guard to pay and deliver the said money and effects to any claimants who can prove themselves either to be his widow or children, or to be entitled to the effects of the deceased under his will, or under any statute, or at common law, or to be entitled to procure probate, or take out letters of administration or confirmation, although no probate or letters of administration or confirmation have been taken out, and the Coast Guard shall be thereby discharged from all further liability in respect of the money and effects so paid and delivered; or may, if the examiner thinks fit so to do, require probate, or letters of administration or confirmation, to be taken out, and thereupon direct the Coast Guard to pay and deliver the said money and effects to the legal personal representatives of the deceased; and if such money and effects exceed in value the sum of $1,000, then, subject to deduction for expenses, the examiner shall direct the Coast Guard to pay and deliver the same to the legal personal representatives of the deceased.

"SEC. 4545. The Coast Guard, in its discretion, may at any time sell the whole or any part of the effects of a deceased seaman or apprentice, which it has received, and shall hold the proceeds of such sale as the wages of deceased seamen are held. When no claim to the wages or effects or proceeds of the sale of the effects of a deceased seaman or apprentice, received by the Coast Guard, is substantiated within 6 years after the receipt thereof by the Coast Guard, it shall be in the absolute discretion of an Examiner of the Coast Guard appointed pursuant to the provisions of the Administrative Procedure Act (5 U. S. C. 1001–1011), if any subsequent claim is made, either to allow or refuse the same. The Coast Guard shall, from time to time, pay any moneys arising from the unclaimed wages and effects of deceased seamen, which in their opinion it is not necessary to retain for the purpose of satisfying claims, into the Treasury of the United States, and such moneys shall form a fund for, and to be appropriated to, the relief of sick and disabled and destitute seamen of the United States merchant marine."

SEC. 2. Sections 4554 and 4555 of the Revised Statutes of the United States, as amended (46 U. S. C. 651, 652), are amended to read as follows:

"SEC. 4554. Every Coast Guard official to whom the duties of shipping commissioner have been delegated shall hear and decide any question whatsoever (except questions involving wages and effects of deceased or deserting seamen which shall be heard and decided pursuant to the provisions of section 4543 of the Revised Statutes of the United States, as amended (46 U. S. C. 626)) between a master, consignee, agent, or owner and any of his crew, which both parties agree in writing to submit to him; and every award so made by him shall be binding on both parties, and shall, in any legal proceedings which may be taken in the matter, before any court of justice, be deemed to be conclusive as to the rights of parties. And any document under the hand and official seal of such Coast Guard official purporting to be such submission or award, shall be prima facie evidence thereof.

"SEC. 4555. In any proceeding relating to the wages, claims (except claims for wages or effects of deceased or deserting seamen which shall be heard and decided pursuant to the provisions of section 4543 of the Revised Statutes of the United States, as

amended (46 U. S. C. 626)), or discharge of a seaman, carried on before any Coast Guard official to whom the duties of shipping commissioner have been delegated, under the provisions of this title, such Coast Guard official may call upon the owner, or his agent, or upon the master, or any mate, or any other member of the crew, to produce any logbooks, papers, or other documents in their possession or power, respectively, relating to any matter in question in such proceedings, and may call before him and examine any of such persons, being then at or near the place, on any such matter; and every owner, agent, master, mate, or other member of the crew, who, when called upon by such Coast Guard official, does not produce any such books, papers, or documents, if in his possession or power, or does not appear and give evidence, shall, unless he shows some reasonable cause for such default, be liable to a penalty of not more than $100 for each offense; and, on application made by such Coast Guard official to the district court of the district where such Coast Guard official has conducted such proceeding, shall be further punished, in the discretion of the court, as in other cases of contempt of the process of the court."

SEC. 3. Section 4597 of the Revised Statutes of the United States, as amended (46 U. S. C. 702), is amended to read as follows:

"SEC. 4597. Upon the commission of any of the offenses enumerated in the preceding section (46 U. S. C. 701) an entry thereof shall be made in the official logbook on the day on which the offense was committed, and shall be signed by the master and by the mate or one of the crew. The entry thus made shall set forth in detail the full circumstances of the offense. The offender, if still in the vessel, shall, before her next arrival at any port, or, if she is at the time in port, before her departure therefrom, be furnished with a copy of such entry, and have the same read over distinctly and audibly to him, and may thereupon make such a reply thereto by way of admission, or denial, or in mitigation of the offense as he deems necessary. A statement that the entry has been so furnished, or the same has been so read over, together with his reply, if any, made by the offender, shall likewise be entered and signed in the same manner. The Coast Guard official shall forthwith upon receipt of any log containing an entry of desertion by a seaman, obtain a detailed sworn statement, and, if possible, cause to be taken the deposition in the usual formal manner, of the master and first mate of the vessel with respect to such offense. In any subsequent administrative or legal proceedings the entries hereinbefore required shall, if practicable, be produced or proved, and in default of such production or proof an examiner or court hearing the case may, at its discretion, refuse to receive evidence of the offense. Any entry in an official logbook which is made in conformity with the requirements of this section shall be admissible in evidence in a hearing before an examiner of the Coast Guard or the district court."

SEC. 4. Sections 4603 and 4604 of the Revised Statutes of the United States, as amended (46 U. S. C., 705, 706), are amended to read as follows:

"SEC. 4603. Any question concerning the forfeiture of, or deductions from, the wages of any seaman or apprentice (other than wages and effects of deceased or deserting seamen which shall be heard and decided pursuant to the provisions of section 4543 of the Revised Statues of the United States, as amended (46 U. S. C., sec. 626)) may be determined in any proceeding lawfully instituted with respect to such wages, notwithstanding the offense in respect of which such question arises, though made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

"SEC. 4604. All clothes, effects, and wages which, under the provisions of this title, are forfeited for desertion, shall be applied, in the first instance, in payment of the proven expenses occasioned by such desertion, to the master or owner of the vessel from which the desertion has taken place, and the balance, if any, shall be paid by the master or owner to any Coast Guard official to whom the duties of shipping commissioner have been delegated, resident at the port at which the voyage of such vessel terminates, within 48 hours after such termination. Whenever any master or owner neglects or refuses to pay over to such Coast Guard official such balance, he shall be liable to a penalty of not more than treble the amount of the money or effects, or, if such value is not ascertained not more than $1,000, recoverable by such Coast Guard official in the same manner that seamen's wages are recovered. In all other cases of forfeiture of wages, the forfeiture shall be for the benefit of the master or owner by whom the wages are payable."

BILLS PASSED OVER

The bill (S. 2975) to amend title 28, United States Code, relating to the Customs Court, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SMATHERS. Over.

The PRESIDING OFFICER. Objection is heard. The bill will be passed over.

The bill (S. 1813) to amend title 28, United States Code, so as to extend the privilege of trial by jury to certain cases arising within the special maritime and territorial jurisdiction of the United States was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. GORE. Over.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

The bill (S. 3131) to amend title 28, United States Code, with respect to the United States Court of Customs and Patent Appeals was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SMATHERS. Over.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF SECTION 84 (A) (2) OF TITLE 28, UNITED STATES CODE

The Senate proceeded to consider the joint resolution (S. J. Res. 158) to amend section 84 (a) (2) of title 28 of the United States Code, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause, and insert:

That section 84 (a) of title 28 of the United States Code is hereby amended as follows:

(1) By amending the first sentence thereof so as to read: "The Northern District comprises three divisions."

(2) By amending the second subparagraph thereof to read as follows:

"(2) The southern division comprises the counties of Marin, Monterey, San Benito, San Francisco, San Mateo, Santa Clara, and Santa Cruz. Court for the southern division shall be held at San Francisco."

(3) By adding at the end thereof a new subparagraph as follows:

"(3) The eastern division comprises the counties of Alameda and Contra Costa. Court for the eastern division shall be held at the county seat of Alameda County."

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A joint resolution to provide for a new third division of the Northern Judicial District of California."

BILL PASSED OVER

The bill (S. 960) to amend sections 1505 and 3486 of title 18 of the United States Code relating to Congressional investigations, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SMATHERS. Over.

The PRESIDING OFFICER. Objection is heard. The bill will be passed over.

FEDERAL FINANCIAL ASSISTANCE TO STATES AND TERRITORIES IN THE CONSTRUCTION OF PUBLIC ELEMENTARY AND SECONDARY SCHOOL FACILITIES

The PRESIDING OFFICER. Earlier this evening two bills were placed at the foot of the calendar. The Secretary will state the first bill.

The LEGISLATIVE CLERK. A bill (S. 2601) to provide for Federal financial assistance to the States and Territories in the construction of public elementary and secondary school facilities.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SMATHERS. Mr. President, by request, I ask that the bill go over. I made the same request a short time ago, and the able Senator from New Jersey asked that I withhold my objection and have the bill go to the foot of the calendar, because the Senator from Kentucky wanted to make a statement.

Mr. COOPER. Mr. President, I understand there is an objection to the passing of the bill on the consent calendar.

The PRESIDING OFFICER. Objection is heard. The bill will go over.

Mr. COOPER. I do not object, but there is an objection.

Mr. SMATHERS. I do not object, either, but there is an objection.

The PRESIDING OFFICER. The bill will go over.

L. R. SWARTHOUT AND THE LEGAL GUARDIAN OF HAROLD SWARTHOUT

The PRESIDING OFFICER. The other bill passed to the foot of the cal-

endar earlier today is S. 1022, which the Secretary will state by title.

The LEGISLATIVE CLERK. A bill (S. 1022) for the relief of L. R. Swarthout and the legal guardian of Harold Swarthout.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. WELKER. Mr. President, is the Senate considering Calendar No. 1978, S. 1022?

The PRESIDING OFFICER. That is correct.

Mr. WELKER. Mr. President, I appreciate very sincerely the remarks made by my colleague from Oregon [Mr. MORSE] in connection with this bill. My objection to the bill has been an objection to the fact that attorneys' fees are allowed.

Reserving the right to object, I call the attention of the Senate to the part that there is no question, in my opinion, with respect to liability. I think I am correct in saying that the attorneys in this case no doubt worked diligently for more than 10 years. They lost a lawsuit in the circuit courts in the State of Oregon. As a result of that defeat, they presented the case to the Senate Committee on the Judiciary.

It is my opinion, Mr. President, that the most important work done on this bill was done by my distinguished colleague, the junior Senator from Oregon [Mr. MORSE]. I think we both agree that the essential element of this case is that the person injured should be compensated.

Since we have established a rule in the Committee on the Judiciary that attorneys should not be allowed compensation by virtue of the work done by the junior Senator from Oregon and the Judiciary Committee, I shall object unless the amendment of the Committee on the Judiciary is accepted.

Mr. MORSE. Mr. President, I certainly will not sacrifice the compensation for this boy; and the Senator from Idaho and I are completely in agreement on that matter. After all his interest should prevail.

I think our basic difference here really is with regard to a policy within the Senate, and I do not believe we should try to decide it on the basis of this bill.

I shall not make the request that amendment 5 be stricken from this bill. Amendment 5 is the amendment of the Committee on the Judiciary, which denies attorneys' compensation.

I wish to make perfectly clear for the RECORD, as I did on July 15 in the colloquy with the Senator from New Jersey [Mr. HENDRICKSON] that I believe in the general policy of the Committee on the Judiciary; namely, that attorneys' fees should not be allowed on private claim bills when it can be shown that attorneys' fees have not been earned.

I repeat what I said earlier tonight; I think there are cases in which attorneys' fees are earned in connection with private bills, and in those cases they ought to be allowed.

My friend from Idaho [Mr. WELKER] and I are in disagreement as to whether or not the attorney's fees really were earned in this case. I am going to yield to the Senator's judgment in the matter, in order to facilitate passage of the bill, and to obtain for this boy some compensation, which for 10 long years he has not been able to obtain.

Therefore I accede to the wishes of my friend from Idaho and I say to him and to my friend from Nevada that next January, when we have more time to discuss the general policy, I think we ought to clarify amendment 5 of the Committee on the Judiciary, so that we shall at least have something more definite and certain as a measuring rod for determining when we are to allow the old standard 10 percent for attorney's fees in a meritorious case.

Mr. WELKER. Mr. President, reserving the right to object again, I should like to reply to my distinguished friend from Oregon.

I have seen many disastrous cases such as this, in which the attorneys have lost their lawsuit. The court of last resort is the Committee on the Judiciary, which is not a court of jurisdiction but a court of gratuity, to grant relief.

I have lost many cases in my young lifetime, and I have not come here to ask the taxpayers of the United States to compensate me for my work. Perhaps I am wrong, but attorneys who have worked diligently will make more as a result of the fact that they have done great work and have had the junior Senator from Oregon carry them through this court of last resort than they would have made in the event they had received the 10-percent fee.

Therefore, in view of the remarks of the junior Senator from Oregon, I withdraw my objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 1022) for the relief of L. R. Swarthout and the legal guardian of Harold Swarthout, which had been reported from the Committee on the Judiciary with amendments, on page 1, line 5, after the word "to", to strike out "the legal guardian of"; in line 6, after the name "Swarthout", to strike out the comma and "a minor"; on page 2, at the beginning of line 3, to strike out "$5,260.20" and insert "$4,625.20"; and in line 8, after the word "act", to strike out "in excess of 10 percent thereof", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, (1) to Harold Swarthout the sum of $10,000, in full satisfaction of the claim of the said Harold Swarthout against the United States for compensation for permanent injuries sustained as a result of the severe burns he received when an Army practice bomb that he was examining, while playing in the yard of a neighbor on April 2, 1943, exploded when accidentally dropped, and (2) to L. R. Swarthout, of Burns, Oreg., father of the said Harold Swarthout, the sum of $4,625.20 in full satisfaction of his claim against the United States for reimbursement of medical, nursing, hospital, and other expenses incurred by him on account of the injuries so sustained by the said Harold Swarthout: *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Harold Swarthout and L. R. Swarthout."

DISCONTINUANCE OF CERTAIN REPORTS

Mr. HENDRICKSON. Mr. President, I am interested in calendar No. 1985, House bill 6290. I was under the impression, at the call of the calendar on yesterday, that we had asked unanimous consent that calendar 1985, House bill 6290, to discontinue certain reports now required by law, be included, but I was in error. In view of the assurance I gave to the distinguished Senator from Maine that it had been included in the calendar call, I think it should be included.

The PRESIDING OFFICER. Is there objection?

Mr. KNOWLAND. Mr. President, reserving the right to object—and I shall, of course, not object, because of the circumstance the Senator from New Jersey has mentioned—I understand there is a similar bill which Senators on the other side of the aisle desire to have considered. I think this is entirely within the spirit of the call. I have been assured by both calendar committees that it will not open up a discussion.

Mr. HENDRICKSON. We are in complete agreement.

Mr. SMATHERS. There is a bill which was reported by the Senator from Utah [Mr. WATKINS] to which an objection was made inadvertently.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 6290) to discontinue certain reports now required by law, which had been reported from the Committee on Government Operations, with amendments, on page 4, after line 4, to strike out:

11. Annual report submitted to Congress in accordance with section 18 of the Federal Airport Act (60 Stat. 180; 49 U. S. C. 1117), describing operations conducted under the Federal Airport Act.

On page 4, line 9, to change the section number from "12" to "11"; in line 13, to change the section number from "13" to "12"; in line 18, to change the section number from "14" to "13"; in line 22, to change the section number from "15" to "14"; on page 5, line 2, to change the section number from "16" to "15"; in line 9, to change the section number from "17" to "16"; in line 21, to change the section number from "18" to "17"; on page 6, line 5, to change the section number from "19" to "18"; in line 9, to change the section number from "20" to "19"; in line 13, to change the section number from "21" to "20"; in line 17, to

change the section number from "22" to "21"; in line 21, to change the section number from "23" to "22"; on page 7, line 2, to change the section number from "24" to "23"; in line 6, to change the section number from "25" to "24"; in line 11, to change the section number from "26" to "25"; in line 18, to change the section number from "27" to "26"; in line 23, to change the section number from "28" to "27"; on page 8, line 4, to change the section number from "29" to "28"; in line 9, to change the section number from "30" to "29"; in line 12, to change the section number from "31" to "30"; in line 16, to change the section number from "32" to "31"; in line 21, to change the section number from "33" to "32"; in line 23, after the word "appropriation" to strike out "and for funds on the books of the Government and also funds in the official custody of officers and employees of the United States in which the Government is financially concerned, for which no accounting is rendered to the General Accounting Office, as in the judgment of the Comptroller General, after a survey thereof, may be in the public interest."

On page 9, line 5, to change the section number from "34" to "33."

The amendments were agreed to.

Mr. HENDRICKSON. Mr. President, I send to the desk an amendment and ask to have it stated by the clerk.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from New Jersey.

The LEGISLATIVE CLERK. It is proposed to strike out, on page 1, item 1, and to renumber all succeeding items.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Jersey.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ORDER FOR RECESS TO 10 A. M. TOMORROW

Mr. KNOWLAND. Mr. President, I ask unanimous consent that when the Senate completes its session tonight it stand in recess until 10 o'clock tomorrow morning. This is in keeping with the prior understanding with reference to the special order for tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIEF OF S. H. PRATHER

Mr. WELKER. Mr. President, will the Senator from California yield?

Mr. KNOWLAND. I yield.

Mr. WELKER. Mr. President, earlier in the afternoon I discussed with the distinguished majority leader House bill 9357, for the relief of S. H. Prather, and, because of the fact that I must leave soon, I ask unanimous consent for the immediate consideration of that bill. It was reported unanimously by the Judiciary Committee. It was suggested by the senior and junior Senators from Georgia and Representatives from Georgia.

Mr. KNOWLAND. Mr. President, because the Senator from Idaho must leave in the fairly near future, and because the distinguished Senator from Georgia [Mr. GEORGE], who has heavy responsibilities, had also asked that this bill be taken up, I do not object, in view of the nature of the bill.

The PRESIDING OFFICER. Is there objection to the consideration of House bill 9357?

Mr. HENDRICKSON. Mr. President, may we have an explanation of the bill?

Mr. WELKER. Mr. President, this case arose in Marcus, Ga., when two revenue agents who were traveling down a road saw a suspicious car. They knew the occupants of the car. They had no reasonable grounds or probable cause to believe that they were violating any law whatsoever, but, notwithstanding that fact, the revenue agents of the United States Government pursued the car and drove at a rapid rate of speed into an intersection in a large city——

Mr. HENDRICKSON. Mr. President, will the Senator from Idaho yield?

Mr. WELKER. I yield.

Mr. HENDRICKSON. I recall distinctly the bill and the discussions in the Senate Committee on the Judiciary, and I need no further explanation.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 9357) for the relief of S. H. Prather, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 22, after the word "act" to strike out "in excess of 10 percent thereof."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AMENDMENT OF REFUGEE ACT OF 1953

Mr. SMATHERS. Mr. President, I ask unanimous consent for the immediate consideration of Calendar No. 2070, House bill 8193, to amend the Refugee Relief Act of 1953. It was objected to by the minority calendar committee, but it was done inadvertently.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 8193) to amend the Refugee Relief Act of 1953, which had been reported from the Committee on the Judiciary with amendments, on page 1, line 10, to strike out "Subdivision" and insert "Subsection; on page 2 line 10, to strike out "birth, nationality, and last residence" and insert "birth, or nationality, or last residence"; and to add a new section, as follows:

SEC. 4. That subsection (a) of section 7 be amended by adding at the end thereof the following: "No visa shall be issued under the allotment of 45,000 visas heretofore made by paragraph (5) of subsection 4 (a) of this act to refugees in Italy, or under the allotment of 15,000 visas heretofore made by paragraph (7) of subsection 4 (a) of this act to refugees in Greece, or under the allotment of 15,000 visas heretofore made by paragraph (9) of subsection 4 (a) of this act to refugees in the Netherlands, to an alien who qualifies under the preferences specified in paragraph (2), (3), or (4) of section 203 (a) of the Immigration and Nationality Act, until satisfactory evidence is presented to the responsible consular officer to establish that the alien in question will have suitable employment and housing, without displacing any other person therefrom, after arrival in the United States. Verification of such available employment and housing shall be made in accordance with such regulations as the Administrator may, in his discretion, prescribe for the administration of the act, including job order clearances by the United States Employment Service and its affiliated State employment services, and a certification by local housing authorities wherever they exist and are authorized and prepared to make such certifications."

Mr. McCARRAN. Mr. President, if the committee amendments to this bill are adopted it will be a good bill, and I shall vote for it. These amendments were worked out on the basis of an agreement between the senior Senator from Utah [Mr. WATKINS], the chairman of the standing subcommittee on immigration, and the senior Senator from Nevada [Mr. MCCARRAN]. If these amendments are not agreed to, the bill will be objectionable to the senior Senator from Nevada.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION

Mr. McCARRAN. Mr. President, I ask unanimous consent that certain testimony before the Internal Security Subcommittee of the Senate with reference to the Intergovernmental Committee for European Migration be inserted in the RECORD at this point, as part of my remarks.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
SUBCOMMITTEE ON INTERNAL SECURITY,
Washington, D. C., July 30, 1954.

The subcommittee met, pursuant to call, at 3:45 p. m., in room F-52, the Capitol, Hon. PAT MCCARRAN presiding.

Present: Senator MCCARRAN.

Also present: Richard Arens, special counsel to subcommittee.

Senator MCCARRAN. The committee will come to order.

You do solemnly swear the testimony you are about to give before the subcommittee of the Committee on the Judiciary of the United States Senate will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HOYT. I do, Senator.

Senator MCCARRAN. You may proceed.

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

TESTIMONY OF DAVID D. HOYT, SARASOTA, FLA.

Mr. HOYT. My name is David D. Hoyt. I am presently residing at Sarasota, Fla., the home of my brother-in-law, Dr. Cecil E. Mil-

ler. I have been employed for some 9 years as an investigator and security officer with the State Department. I was loaned by the State Department to the Migration Committee for 2 years and 3 months.

Mr. ARENS. What migration committee is that?

Mr. HOYT. That is known as ICEM, I-C-E-M, Intergovernmental Committee for European Migration.

Mr. ARENS. And when were you loaned to the Intergovernmental Committee for European Migration?

Mr. HOYT. I was last loaned to them on April 1, 1952, as the security officer with the committee.

Mr. ARENS. Would you tell us what was your particular job with the Intergovernmental Committee for European Migration?

Mr. HOYT. My particular job was to act as the committee's security officer, in that capacity performing the normal work of a security officer, screening the staff and so forth.

Mr. ARENS. Were you the chief person employed by the Intergovernmental Committee for European Migration on security matters?

Mr. HOYT. I was the only one, sir. I was the only security man.

Mr. ARENS. How long were you so engaged?

Mr. HOYT. From April 1, 1952, until July 9 of 1954.

Mr. ARENS. And what precipitated the severance of your relationship with the Intergovernmental Committee for European Migration?

Mr. HOYT. I left generally because I was dissatisfied with the security within the committee and principally in relation to the screening of migrants moving to South America.

Mr. ARENS. Did you resign?

Mr. HOYT. I resigned.

Mr. ARENS. It was not a forced resignation in any sense of the word?

Mr. HOYT. No, sir.

Mr. ARENS. And you anticipate shortly being reengaged in the Department of State of the United States in security work; is that correct?

Mr. HOYT. Yes, sir.

Mr. ARENS. I understood you to say a moment ago you left because you were dissatisfied with screening of migrants.

Mr. HOYT. That's correct.

Mr. ARENS. Tell us, first of all, who are the people who are moved by the Intergovernmental Committee for European Migration.

Mr. HOYT. The people moved are European member governments of the committee who are financially unable to move themselves.

Mr. ARENS. They are not necessarily in the refugee or displaced persons category, are they?

Mr. HOYT. Not necessarily, but they may be.

Mr. ARENS. And what is the volume of movement of the Migration Committee? May I ask you if you know the prospective volume, say, for 1954?

Mr. HOYT. About 118,000, sir.

Mr. ARENS. And these people will be moved from Europe during 1954 principally into the Western Hemisphere, will they not?

Mr. HOYT. Principally.

Mr. ARENS. They will go into Argentina, Brazil, Venezuela, Chile, and other countries principally in the Western Hemisphere; is that not correct?

Mr. HOYT. Yes, sir; and Canada, and the only member government outside of the Western Hemisphere is Australia where we are moving migrants.

Mr. ARENS. On the basis of your background as a security officer and on the basis of your knowledge and observation of the screening operations of the Intergovernmental Committee for European Migration, can you tell this committee whether or not in your judgment the security screening of these people who are being moved into the Western Hemisphere from Europe is a satisfactory screening?

Mr. HOYT. For those migrants moving to South American countries, with minor exceptions, the security is entirely inadequate.

Mr. ARENS. The people who are being moved are people principally from Italy; are they not?

Mr. HOYT. Principally from Italy, but quite a number from Greece.

Mr. ARENS. And in Italy there is a 40-percent Communist vote; is there not?

Mr. HOYT. That is correct.

Mr. ARENS. In your judgment is the present process of moving people in vast numbers from Europe who are inadequately screened from a security standpoint a risk to the security of the Western Hemisphere and to the United States of America?

Mr. HOYT. I feel very strongly that it is.

Senator MCCARRAN. I want to express my gratitude and the gratitude of the committee for your coming before the committee to give your testimony here and enlightening us on the subject because it is highly important.

Mr. HOYT. Thank you, Senator.

Senator MCCARRAN. Thank you for coming up here.

(Whereupon, at 3:35 p. m., Friday, July 30, 1954, the hearing was recessed, subject to the call of the Chair.)

CLAIM OF THE BUNKER HILL DEVELOPMENT CORP.

Mr. JOHNSTON of South Carolina. Mr. President, I ask unanimous consent that the Senate proceed to consider Senate bill 2980, conferring jurisdiction upon the United States District Court for the Southern District of New York to hear, determine, and render judgment upon a claim of the Bunker Hill Development Corp.

The PRESIDING OFFICER. Is there objection to the request?

Mr. JOHNSTON of South Carolina. Mr. President, 2 bills relating to this matter have already been passed, 1 of which has become an act.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the bill (S. 2980) conferring jurisdiction upon the United States District Court for the Southern District of New York to hear, determine, and render judgment upon a claim of the Bunker Hill Development Corp., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the jurisdiction conferred upon the United States District Court for the Southern District of New York by subsection (b) of section 1346, title 28, United States Code, is hereby extended to a civil action, which may be commenced not later than 1 year after the date of the enactment of this act, asserting any claim or claims of Bunker Hill Development Corp., of Newburgh, N. Y., against the United States for alleged damages arising out of the construction of Stewart Field, a United States Air Force base located at Newburgh, N. Y., in such a manner as to allegedly damage its golf course and buildings as a result of weed-laden soil dust and cement dust blowing over its properties in 1942 and 1943, and to destroy a proposed housing development of said corporation, and for alleged damages to the property of said corporation by reason of the alleged failure of the Government to provide and maintain proper drainage from said Stewart Field, which resulted and successively results in the storm-flooding of the property of the corporation. Any such civil action may be joined for trial with any pending action between the Bunker Hill Development Corp. and the United States relative to damages in the construction of Stewart Field. Except as otherwise provided in this act, all provisions of law applicable in and to such subsection, and applicable to judgments therein and appeals therefrom, are made equally applicable in respect of the civil actions authorized by this act. Nothing in this act shall constitute an admission of liability on the part of the United States.

Mr. KNOWLAND. That completes the call of the calendar of bills to which there is no objection.

The PRESIDING OFFICER. What is the pleasure of the Senate?

MUTUAL SECURITY ACT OF 1954—CONFERENCE REPORT

Mr. KNOWLAND. Mr. President, there is at the desk a privileged matter. I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of the conference report on the mutual security bill.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. JOHNSON of Texas. Does the Senator plan to take up the mutual security bill conference report tonight?

Mr. KNOWLAND. Yes.

Mr. JOHNSON of Texas. How late does the Senator plan to have the Senate remain in session?

Mr. KNOWLAND. I had understood there would be no necessity to have a yea-and-nay vote on the mutual security bill conference report. I know of no objection to the conference report; I believe it was unanimously agreed to. This is not the appropriation bill; it is the authorization bill.

Mr. JOHNSON of Texas. I understand.

Mr. KNOWLAND. When action on the conference report has been completed, it will be my intention to move that the Senate recess until tomorrow morning.

Mr. JOHNSON of Texas. If action is completed on it by 10 o'clock?

Mr. KNOWLAND. By 10 o'clock tomorrow morning?

Mr. JOHNSON of Texas. No; by 10 o'clock tonight.

Mr. KNOWLAND. I believe there is a reasonable chance of doing so. The distinguished Senator from Nevada has a matter to take up, which he informs me will not take long.

Mr. JOHNSON of Texas. I have no objection to the consideration of the conference report on the Mutual Security bill. I had expected that it would follow the call of the calendar, as the Senator from California told me it would. But if it involves any prolonged discussion or a yea-and-nay vote, I desire to have it understood that there will not be a yea-and-nay vote tonight.

Mr. KNOWLAND. I do not expect that there will be a yea-and-nay vote. I doubt if it will be necessary to have one.

Mr. WILEY. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two

Houses on the amendment of the Senate to the bill (H. R. 9676) to promote the security and foreign policy of the United States by furnishing assistance to friendly nations, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of August 9, 1954, pp. 13787–13797, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. MANSFIELD. Mr. President, I desire to ask the Senator from Wisconsin a few questions.

Mr. WILEY. I shall be glad to answer them, if I can.

Mr. MANSFIELD. Under the terms of the conference report, it is understood, is it not, that the Foreign Operations Administration as an independent agency will go out of existence by next June 30?

Mr. WILEY. That is correct.

Mr. MANSFIELD. The technical assistance program, point 4, will be handled by the State Department. Is that correct?

Mr. WILEY. That is correct.

Mr. MANSFIELD. Military aid will be continued through the Department of Defense, without a termination date; is that correct?

Mr. WILEY. That is correct.

Mr. MANSFIELD. Title 2, the economic development and assistance program, will go out of existence next June 30, with a 1-year liquidation period. Is that correct?

Mr. WILEY. That is correct.

Mr. MANSFIELD. In other words, the Foreign Operations Administration will be terminated completely and finally on June 30, 1955. Is that correct?

Mr. WILEY. The bill so provides.

Mr. MANSFIELD. I thank the distinguished chairman.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. WILEY. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement which I have prepared on the mutual security bill conference report.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR WILEY ON THE MUTUAL SECURITY BILL CONFERENCE REPORT

I submit for the approval of the Senate the report of the Senate conferees on the Mutual Security Act of 1954. I believe that the conferees did a commendable job in taking care of the interests of the Senate. The report was unanimously approved and was signed by all five Senate conferees—Senator SMITH of New Jersey, Senator HICKENLOOPER, Senator GEORGE, Senator GREEN, and myself, as chairman. For the most part, the changes which the Senate insisted on retaining in the House bill were accepted by the House conferees.

I shall say just a word about the amount authorized in the pending bill. The committee of conference agreed upon a total authorization of $3,252,886,000. This represents a reduction of $314,040,000 from the House figure and an increase of $314,040,000 over the Senate bill.

I do not propose to detain the Senate with a detailed account of the decisions taken by the conference. The House accepted the provisions of the Senate bill with respect to the following matters:

1. The development of weapons of advanced design.

2. Opposition to the seating of Red China in the United Nations.

3. The 50–50 shipping clause.

4. Elimination of the program relating to strategic materials.

5. The provisions relating to the use of counterpart currency.

There are 3 or 4 matters that I wish to discuss very briefly. These are the provisions of the bill relating to loans, agricultural surplus, transferability, and finally, the termination of the program.

1. Agricultural surplus: The House bill earmarked $500 million of the funds available for the purchase and export of surplus agricultural commodities. The Senate bill set aside $350 million for this purpose. The conferees agreed upon the $350 million figure and, with some changes, the language contained in the Senate bill.

2. Loans: A similar compromise was achieved with respect to loans. The House bill provided, in general, that not less than 10 percent of the amounts available should be used in the form of loans. The Senate, on the other hand, provided that not less than $150 million of the total amount available should be used to make loans. The conferees agreed upon $200 million, which is the figure contained in the bill before the Senate. It is our hope that the administration will be able to make effective use of these funds on a loan basis.

3. Transferability of funds: There was also a substantial difference in the House and Senate versions relating to the transferability of funds from one section of the bill to another. While I personally prefer the Senate provision because it provides a broader transfer authority, the conferees finally adopted a compromise which is considerably less liberal than the Senate had approved but still much less restrictive than the language in the House bill. It is my hope that even with this reduced transferability, there will be enough flexibility in the bill to enable the President to meet any unforeseen emergency.

4. Termination of the program: The conferees also adopted substantially the Senate language with respect to the termination of the Foreign Operations Administration. The bill as now drafted makes it clear that the FOA shall come to an end on June 30, 1955, and provides for its remaining functions to be transferred to the appropriate departments of the Government at that time.

I commend to the Senate the work of the conferees. The bill which we present is another important step in our collective efforts to build the defensive strength of the free world. I hope the Senate will give the conference report its overwhelming approval.

AMENDMENT OF SECTION 32 OF TRADING WITH THE ENEMY ACT

The PRESIDING OFFICER (Mr. PAYNE in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 2420) to amend section 32 of the Trading With the Enemy Act, as amended, which was to strike out all after the enacting clause and insert:

That section 32 of the Trading With the Enemy Act of October 6, 1917 (40 Stat. 411), as amended, is hereby further amended by adding at the end thereof the following subsection:

"(h) The President may designate one or more organizations as successors in interest to deceased persons who, if alive, would be eligible to receive returns under the provisos of subdivision (C) or (D) of subsection (a) (2) thereof. An organization so designated shall be deemed a successor in interest by operation of law for the purpose of subsection (a) (1) hereof. Return may be made, to an organization so designated, (a) before the expiration of 2 years from the vesting of the property or interest in question, if the President or such officer or agency as he may designate determines from all relevant facts of which he is then advised that there is no basis for reasonable doubt that the former owner is dead and is survived by no person eligible under section 32 to claim as successor in interest by inheritance, devise, or bequest; and (b) after the expiration of such time, if no claim for the return of the property or interest is pending. Total returns pursuant to this subsection shall not exceed $3 million.

"No return may be made to an organization so designated unless it files notice of claim before the expiration of 1 year from the effective date of this act and unless it gives firm and responsible assurance approved by the President that (i) the property or interest returned to it or the proceeds of any such property or interest will be used on the basis of need in the rehabilitation and settlement of persons in the United States who suffered substantial deprivation of liberty or failed to enjoy the full rights of citizenship within the meaning of subdivisions (C) and (D) of subsection (a) (2) hereof; (ii) it will transfer, at any time within 2 years from the time that return is made, such property or interest or the equivalent value thereof to any person whom the President or such officer or agency shall determine to be eligible under section 32 to claim as owner or successor in interest to such owner, by inheritance, devise, or bequest; (iii) it will make to the President, with a copy to be furnished to the Congress, such reports (including a detailed annual report on the use of the property or interest returned to it or the proceeds of any such property or interest) and permit such examination of its books as the President or such officer or agency may from time to time require; and (iv) will not use such property or interest or the proceeds of such property or interest for legal fees, salaries or any other administrative expenses connected with the filing of claims for or the recovery of such property or interest.

"The filing of notice of claim by an organization so designated shall not bar the payment of debt claims under section 34 of this act.

"As used in this subsection, 'organization' means only a nonprofit charitable corporation incorporated on or before January 1, 1950, under the laws of any State of the United States or of the District of Columbia with the power to sue and be sued."

SEC. 2. The first sentence of section 33 of the Trading With the Enemy Act of October 6, 1917 (40 Stat. 411), as amended, is hereby amended by striking out the period at the end of such sentence, and inserting in lieu thereof a semicolon and the following: "except that return may be made to successor organizations designated pursuant to section 32 (h) hereof if notice of claim is filed before the expiration of 1 year from the effective date of this act."

Mr. McCARRAN. Mr. President, this is the bill dealing with "heirless property." It provides that certain property

seized by the United States on the theory that it was owned by enemy nationals but which has been found, in fact, to have been owned by persecuted persons, who have now died without heirs, may be turned over to nonprofit organizations designated by the President for the use of persons in the same class as the original owners.

As Senators know, by far the largest class of persecutees whose property would be affected by this bill were Jews. I am informed that the interested Jewish organizations have been consulted in connection with the House amendments to this bill, which are substantially technical, and that the House amendments are acceptable to these organizations, and that Senate concurrence is desired.

I ask unanimous consent that there may be printed at this point in the RECORD a letter which I have received from Mr. Seymour J. Rubin, reciting the facts as I have stated them.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LANDIS, COHEN, RUBIN & SCHWARTZ,
Washington, D. C., August 9, 1954.

The Honorable PAT MCCARRAN,
United States Senate,
Washington, D. C.

DEAR SENATOR MCCARRAN: The undersigned understands that S. 2420, the heirless property amendment to the Trading With the Enemy Act, with certain amendments, was passed today by the House of Representatives.

The interested Jewish organizations were consulted in connection with the amendments in question. The amendments are therefore acceptable to those organizations, and, in the interests of insuring enactment in the present session of Congress, they would be in favor of Senate concurrence in those amendments.

It goes without saying that we are most appreciative of your great contribution to passage of this bill.

For the American Jewish Committee, I am,
Most sincerely yours,
SEYMOUR J. RUBIN.

Mr. MCCARRAN. Mr. President, I move that the Senate concur in the House amendment to the bill (S. 2420).

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

LABELING OF PACKAGES CONTAINING FOREIGN-PRODUCED TROUT

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2033) relating to the labeling of packages containing foreign-produced trout sold in the United States, and requiring certain information to appear on the menus of public eating places serving such trout, which were, on page 1, line 6, strike out "(n)" and insert "(o)"; on page 1, lines 8 and 9, strike out "of this title"; on page 2, lines 10 and 11, after "(2)" strike out "each part of the contents of the package is contained in a wrapper" and insert "if the package is broken while held for sale, each unit for sale (consisting of one or more trout) is in a package;"; on page 2, line 12, strike out "and wrapper"; on page 2, strike out line 17 over to and including line 2, page 3, and insert:

(b) No person shall possess in a form ready for serving or shall serve at a public eating place trout produced outside the United States, its Territories or possessions, unless a notice is displayed prominently and conspicuously in such eating place stating that "——— trout is served in this restaurant," the blank space to be filled with the name of the country in which such trout was produced.

On page 3, after line 13, insert:

SEC. 4. This act shall take effect 6 months after the date of its enactment.

And to amend the title so as to read: "An act relating to the labeling of packages containing foreign-produced trout sold in the United States, and requiring certain information to appear in public eating places serving such trout."

Mr. FERGUSON. Mr. President, today the senior Senator from Ohio [Mr. BRICKER] asked for the consideration of the House amendments to Senate bill 2033. The minority leader desired to have time to consider the matter. I now desire to have the House amendments considered.

The House has amended the bill. However, since introduction of the bill, Public Law 518 of the 83d Congress, 2d session, has been passed, and that law has added a section 408 to the Federal Food, Drug, and Cosmetic Act, as amended (21 U. S. C. 341 et seq.). Accordingly, I move that the Senate concur in the House amendment with a perfecting amendment as follows:

On page 2, line 6, of S. 2033, strike: "Sec. 408." and insert in lieu thereof: "Sec. 409."

On page 1, line 8, of S. 2033, strike "section 408" and insert in lieu thereof: "section 409."

Mr. JOHNSON of Texas. Mr. President, earlier in the day the distinguished chairman of the Committee on Interstate and Foreign Commerce [Mr. BRICKER] suggested that the Senate concur in the House amendments. At the time he made the suggestion I had not had an opportunity to confer with the minority members of the committee. I assured the distinguished chairman of the committee that as soon as I could do so, I would clear the proposed legislation. That has been done.

I concur in the request made by the distinguished Senator from Michigan. I hope that the House amendments will be concurred in and the bill passed.

Mr. FERGUSON. Senators on this side of the aisle appreciate the efforts which the distinguished minority leader has put forth.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Michigan.

The motion was agreed to.

HAWAII-ALASKA STATEHOOD

Mr. MALONE. Mr. President, I have received a very informative letter from Hon. Ingram M. Stainback, supreme court justice at Honolulu, T. H., relative to the temper of the people of that Territory regarding the issue of statehood.

Judge Stainback asks that statehood for Hawaii be denied, and that a bill providing for commonwealth status—electing their own governor and adopting their own constitution, subject to the approval of Congress—be reintroduced in the 1st session of the 84th Congress in January 1955.

Mr. President, I ask unanimous consent that Judge Stainback's two letters dated July 20 and 21, respectively, be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SUPREME COURT, TERRITORY OF HAWAII,
Honolulu, T. H., July 20, 1954.

Senator GEORGE W. MALONE,
United States Senate,
Washington, D. C.

DEAR SENATOR: Perhaps you will be interested in the enclosed articles I wrote for the Honolulu Advertiser which appeared in the July 15, 16, 17, and 18 issues. The reaction has been very favorable according to the oral comments and letters I have received. The editor of the Advertiser gives me a similar report. I believe if the people of the Territory knew something about the advantages of commonwealth they would overwhelmingly favor the same.

Hawaii appears to be deep in the red and unemployment is increasing daily. The economic situation looks very bad indeed.

Governor King is back in Washington making last desperate efforts to put over statehood. I hope you will block it for this session. I believe that by another year if we can get the people informed of the great advantages of commonwealth they will favor it by a large majority.

With kindest personal regards, I am,
Yours sincerely,
INGRAM M. STAINBACK.

SUPREME COURT, TERRITORY OF HAWAII,
Honolulu, T. H., July 21, 1954.

Senator GEORGE W. MALONE,
United States Senate,
Washington, D. C.

DEAR SENATOR: Supplementing my letter of yesterday, I am enclosing clipping from the Honolulu Advertiser of this morning with a statement made by Mr. Harold Rice of Maui in which I thought you might be interested.

Yours sincerely,
INGRAM M. STAINBACK.

Mr. MALONE. Mr. President, I ask unanimous consent that the four articles, dated July 15, 16, 17, and 18, from the Honolulu Advertiser, be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Honolulu Advertiser of July 15, 1954]

A COMMONWEALTH FOR HAWAII—JURIST SAYS HAWAII SHOULD FORGET STATEHOOD AND TAKE COMMONWEALTH STATUS—AND PROSPERITY

(EDITOR'S NOTE.—The following was written by a former Democratic governor of Hawaii, now associate justice of the Territorial supreme court. It is the first of a series of articles.)

(By Ingram M. Stainback)

Hawaii's government is in the red and the Territory is faced with increasing unemployment.

If Hawaii would forget its seemingly futile agitation for statehood and accept commonwealth status, we might be put onto the path of prosperity very quickly. Puerto Rico is showing the way and we in Hawaii have

much better natural advantages than Puerto Rico.

There is nothing of second-class citizenship in commonwealth status, quite the contrary. We would have almost complete independence, would govern ourselves, and we would have from $135 million to $185 million a year that now goes into Federal taxes. In a biennium that would mean that the government here would have $3.50 to spend for every dollar it now uses. We would have $4.50 if we kept the present Territorial taxes. That would abolish the red ink in our present system.

Even our lavish Territorial government could hardly spend three and a half dollars where it now spends one. And we could abolish the present Territorial tax system, especially that upon new businesses which would be expected to develop in a thriving, semi-independent commonwealth in the mid-Pacific.

I realize that the politicians think that if they yell statehood loud enough it is an open sesame to political office. I know that the statehooders are on the popular side. But let us look at this statehood question realistically. Let us examine for a moment what would happen under a commonwealth form of government, which I am confident could be achieved speedily if we asked for it.

What is a commonwealth? It is a body of people constituting a State or politically organized community. It is a State. The very word "commonwealth" is attached officially to the States of Massachusetts, Pennsylvania, Virginia, and Kentucky.

Hawaii's Commonwealth would be a State but not a State of the Union.

We would send no United States Senators or Representatives to the Congress.

But all Federal taxes, including customs duties collected here, would be remitted.

We would constitute a self-governing State freely associated with the United States, using the same postal system, and our courts would be associated with those of the Federal Government as our State courts are at present. We would and should make our normal contribution in manhood to the armed services. We would remain under the protection of those selfsame Armed Forces.

The fine status of a commonwealth would put Hawaii into practically the same relationship with the United States Government as that of Canada or Australia to England.

With our hands freed we could proceed to the development of this region here to the extent of our capabilities. We would foster new industries and continue building up tourism. We would do this as first-class citizens in every respect.

[From the Honolulu Advertiser of July 16, 1954]

WHY STATEHOOD?—FORMER GOVERNOR OF HAWAII SAYS COMMONWEALTH OFFERS HIGH IDEALS OF HUMAN DIGNITY

(EDITOR'S NOTE.—In this article, second of a series, a former Governor of Hawaii, now associate justice of the Territorial supreme court, continues to state his case in favor of commonwealth status for Hawaii.)

(By Ingram M. Stainback)

Any consideration of what Hawaii might expect as a semiautonomous State, or Commonwealth, freely associated with the United States, has to be in the light of developments in the Commonwealth of Puerto Rico.

There the United States Congress, fully recognizing the principle of government by consent, entered into a compact with the people of Puerto Rico so that the population might organize a government with a constitution of their own adoption.

Little Puerto Rico has an area of only 3,423 square miles, about one-half that of Hawaii. But the population in 1950 was more than 2,210,000, about 5 times that of Hawaii.

If Hawaii had the same density of population as Puerto Rico, we would have more than 4 million people living in these islands. We do not expect that, but Hawaii is growing and we want to create new opportunities for the new crops of youth as they come along. At present no very concentrated campaign is being carried out. A commonwealth type of government would automatically open the way for new opportunities for our reservoir of skilled labor, just as it did in Puerto Rico.

There a miracle of sorts has been achieved. The government by Operation Bootstrap has raised the standard of living until it is the highest in the Caribbean. Admittedly it is not as high as that of America, but it still is being raised. In the process, more than 250 new factories have been built and at least 50,000 new jobs have been created. The national income has risen one-third.

The situation in Puerto Rico was so bad a few years ago that a Senate committee called it unsolvable because it was a scandal of slums, disease, overpopulation, and poverty. Today there is an atmosphere of high hope and the tax moneys formerly drained into the Federal Treasury now are utilized for the benefit of Puerto Rico.

The Puerto Rican Legislature, only this year, in a concurrent resolution, is on record as declaring that the people of Puerto Rico "have chosen democratically and for themselves to be a free people voluntarily associated with the United States and have rejected, as the legislative assembly in their name now rejects, any proposal for separation whatsoever."

Another interesting commentary on the state of mind which welcomed so enthusiastically commonwealth status is contained in another paragraph of that concurrent resolution. It declared that "the Commonwealth is neither a transitory status nor a status intermediate between Federal statehood and absolute independence, since it is a status in itself which fulfills the highest ideals of human dignity and which is dynamic in its potentialities for growth."

And the legislature rejected outright President Eisenhower's endorsement of more complete or even absolute independence. "Common citizenship, and therefore common defense of and common loyalty to the concept of liberty, are the essential bases of the association between the people of the United States and the people of Puerto Rico," the resolution went on.

Hawaii could have similar status.

In the interest of progress let us cease to follow the ignis fatuus of statehood into the swamps and sloughs of depression.

[From the Honolulu Advertiser of July 17, 1954]

PROSPECTS FOR COMMONWEALTH—TERRITORY OF HAWAII JUDGE SAYS CONGRESS IN MOOD TO GIVE HAWAII FULL RIGHT TO LOCAL SELF-GOVERNMENT

(EDITOR'S NOTE.—This is the third of a series of articles by Hawaii's former Governor, now a Supreme Court Associate Justice, listing arguments in favor of Commonwealth status for Hawaii.)

(By Ingram M. Stainback)

In two articles I have spoken of the very great advantages of a Commonwealth status for Hawaii, explaining that remission of Federal taxes could give the Territory 3½ times as much income, almost immediately.

With those advantages so striking, one may wonder what prospect we have of achieving Commonwealth status if we asked for it. I believe the prospects are very good.

Debate in the Congress over Hawaiian affairs has, in general, demonstrated that the majority of Representatives and Senators are keenly conscious of their own responsibilities to the people of these islands. Their deliberations have been conducted in a studious atmosphere but with a keen grasp of the realities.

Some of them, including Senator MALONE, of Nevada, and Senator EASTLAND, of Mississippi, in Senate debate only in March of this year, went into extreme detail concerning the needs of Hawaii, while opposing statehood for Hawaii on the old but sound grounds of noncontiguity.

They showed a surprising understanding of the Communist grip upon the ILWU and of the grip of the ILWU on Hawaii.

Opposition of some clear-thinking Senators is based on the principle that statehood should not be granted to noncontiguous areas. Senator MONRONEY, of Oklahoma, is one who presented a powerful argument on this ground in a speech in the Senate only last March. Others in the Senate have expressed fear that moving into the Pacific or into the Atlantic and beyond would mean the losing sight of America as a homogeneous Nation while we were building an empire. Empire building will weaken our American system of government.

Some years ago a New England Senator—Lodge, I believe—circulated a memorandum among Senators, pointing out that creation of a State in the mid-Pacific, such as Hawaii, would be an abandonment of the principles upon which this Government was founded.

But it is not a question of statehood or nothing. We do not have to stay in our present situation; neither is statehood necessary. We can have all our freedom and independence under commonwealth status.

Senator MONRONEY, proposing to restore the taxation power to Hawaii, said that this would give recognition to the right of representation in tax matters. "Instead of being a sop," said the Senator, "I think it is a recognition of the importance of commonwealth status to them (Hawaii) on the basis of self-government."

Another quotation from this speech is in order:

"We would offer them in this commonwealth plan the right to levy and collect all their own taxes and to determine how these tax moneys can best be spent to develop and improve their areas.

"Because of their strategic location (Hawaii and Alaska), the Government expenditures in huge amounts for military bases and for military personnel will undoubtedly continue to be large for the foreseeable future.

"It would seem to me that such a plan, granting full rights of local self-government, full use of all tax resources of these areas, to be spent by their own local governments; full protection of the United States both in military and civilian matters, plus free trade and free access, offers a better and more beneficial program for offshore areas than that enjoyed by any possessions of any foreign country the world over."

I think it should be noted parenthetically, however, that the granting of Commonwealth status to Hawaii would be no bar to statehood in the future if conditions should change.

This was pointed out by Senator MALONE in the hearings last January.

[From the Honolulu Advertiser of July 18, 1954]

CASE FOR COMMONWEALTH—FORMER GOVERNOR VISUALIZES FINEST, BEST PAID SCHOOL SYSTEM, OTHER ADVANTAGES

(Editor's NOTE.—This is the fourth and last of a series of articles in which a former Governor, now a Territorial supreme court justice, outlines his arguments in favor of a Commonwealth status for Hawaii.)

(By Ingram M. Stainback)

In closing the case for a Commonwealth of Hawaii it should be noted that such status

would give us at once more revenue than we have dreamed of. I need not describe in detail what could be done with 3 or 4 times our present revenues in the way of improving our schools, hospitals, public building, our roads, our parks, and recreation centers.

But imagine what could be done in the way of developing, with more than adequate financing, one of the best school systems in the world, a system with the finest and the highest paid personnel, to be found anywhere. That is just one of the possibilities.

Let us explore and develop the water resources of the Territory. It might be possible to convey Molokai's windward water to make fertile its near-desert lands. Kona would be rich, indeed, if we develop a water source there. There also are undeveloped water possibilities on Maui, where there are immense water supplies on the windward side. On Kauai we could curb the Waimea River with dams and reservoirs to furnish irrigation and cheap power.

Consider, too, the highway system that could be perfected, both for our own needs and to open scenic routes inaccessible but beautiful portions of these islands for the benefit of the expanding tourist industry. On Kauai we could build attractive roads into the Napali cliff area. On Hawaii we could have a scenic drive into remote and romantic Waipio Valley. Molokai offers possibilities. Some beautiful areas can be reached only by difficult trail or boat at present.

Another bit of construction that suggests itself as a tourist attraction would be the completion of the scenic highway to the summit of Mauna Loa, together with the establishment of botanical gardens along the route. This road, called the Stainback Highway, I mention with due modesty, would extend through a system of plantings ranging from lush tropical growth at sea level to the higher elevations that favor the various plants and shrubs of the temperate zones. We already have tried experiments in growing various temperate zone plants at Kulani Camp. The results were promising, indeed, as far as we went. Unfortunately these experiments have not been continued.

These are only a few suggestions as to the many ways in which we could attain added prosperity through Territorial expenditures of funds made available because of commonwealth status of Hawaii. In addition we could attract numerous new industries by giving them exemption from taxation, as is done in Puerto Rico.

It has been suggested by some that one of the reasons for the attraction of new industry to Puerto Rico is the low wages of labor. Low wages, however, do not mean cheap production. Puerto Rico had no labor to begin with except agricultural workers, many ill-educated or illiterate, subject to disease and far from being skilled workers. Hawaii in contrast has a surplus of well-trained, well-educated, healthy, and competent workers whose wages, though higher, would be cheaper in the end because of their high productivity.

Some have suggested that we are far from markets and assert freight rates would be a bar to establishment of industry in Hawaii. This might be a bar to heavy industries such as steel, but should be no handicap to the production of any number of high-class commodities. Power is as cheap here, too, as in many States, because transportation of fuel oil by steamer is cheaper than by rail.

I need not repeat the arguments of Senator MONRONEY and others on the essentially homogeneous nature of the United States but I know that those arguments do have a powerful appeal to many broad-minded citizens who also are friends of Hawaii. In this connection it should be remarked that some of our statehood advocates are appealing to racial prejudice themselves when they claim that it is racially prejudiced southerners who are keeping Hawaii from statehood. Obviously Senator MALONE, of Nevada, a strong advocate of the commonwealth plan for Hawaii, is far from being a southerner, while RUSSELL LONG, an ardent advocate of statehood, is from the deep South. Just incidentally, the bill to provide commonwealth status for Alaska was introduced by the late Senator Butler of Nebraska.

This plan has not received support in Hawaii because we have lacked information on the subject. Let us put aside our prejudices and preconceived ideas and examine this important question objectively and intelligently. Clearly, if we accomplish half as much as Puerto Rico has done there will be no unemployment and no deficit in the Territorial budget.

I trust that this brief exposition of the benefits of a commonwealth for Hawaii will encourage others to speak up in behalf of a system of government that offers our people prosperity and a great measure of independence.

Mr. MALONE. Mr. President, I ask unanimous consent that the article appearing in the Honolulu Advertiser, July 21, 1954, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RICE BACKS STAINBACK'S HAWAII PLAN

Judge Ingram M. Stainback's stand in favor of commonwealth status for Hawaii has attracted an extraordinary amount of attention. Reaction to the series by the former Democratic governor, now an associate justice of the Territorial supreme court, has been both favorable and unfavorable.

Harold W. Rice, of Maui, said yesterday that "I can see no other way for the Territory to get out of its financial morass except by relief from taxes. If that has to come by the method of making the territory a commonwealth, so be it."

Mr. Rice, a rancher and leading Democrat, onetime territorial Senator and vice president of the 1950 constitutional convention, made his statement in Wailuku during a telephone conversation with The Advertiser.

"There are some technical questions in my mind that would need answers before I could make a statement of unqualified support for a commonwealth," he continued. "How, for instance, can you retain Federal Government services without paying for them?"

Whatever the emergency unemployment committee may do to create more jobs in Hawaii can be only a stopgap at best, he went on. "Where do we go after that money has been spent? We simply have to have more industries in Hawaii and we must go after them ourselves.

"We must remember the situation in the Pacific has changed a great deal since the 1950 constitutional convention." Since then, America's Pacific outpost has been pushed westward from Pearl Harbor, he observed.

Mr. MALONE. Mr. President, I ask unanimous consent that my letter of August 10, 1954, to Justice Stainback be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON INTERIOR
AND INSULAR AFFAIRS,
August 10, 1954.

HON. INGRAM M. STAINBACK,
Supreme Court, Territory of Hawaii,
Honolulu, T. H.

DEAR JUDGE: I have received your two letters of July 20 and 21, and appreciate your interest in this important matter. My intention is to submit the articles for the CONGRESSIONAL RECORD, since I believe that all Members of Congress will be extremely interested in your point of view since you have served as governor, and as a member of the Supreme Court of the Territory of Hawaii.

I remember well my visit with you in 1943, when I was on my way to the South Pacific serving as special consultant to the Senate Military Affairs Committee to make a confidential investigation of the Pacific area, which included a report not only on the situation in Hawaii, but throughout the South Seas and as far as our military activities had taken us at that time, in New Guinea and beyond, where we had just conquered Buna at New Guinea and were still fighting at Lae. It was my privilege to fly over most of the Pacific area in this investigation.

You will remember that you had two governors then. Gen. Robert C. Richardson, Jr., was the military governor, and Adm. Chester Nimitz was in charge of the fleet, technically under Gen. Douglas MacArthur. Admiral Nimitz held a special staff meeting for me there and briefed me on the whole situation before I left for the Fiji Islands, New Caledonia, Australia, and New Guinea.

I have had an exceptional opportunity to know your problems and I agree with you that the Territory of Hawaii should start by electing her own governor, adopting a constitution within the purview of the Constitution of the United States, approved by Congress, and proceed to run her own business in the same general category that Congress has elected to place Puerto Rico.

In 1945 I was chosen as 1 of the 5 Senators to visit Puerto Rico. They were then very insistent upon statehood and after a thorough examination we recommended to our full Interior and Insular Affairs Commitee, and thence to Congress, that they not be given statehood but that they be set up under a constitution that they themselves would adopt subject to approval by Congress, to elect their own governor and proceed to run their own business.

Apparently it has been very successful and very satisfactory, and, if it meets with approval of the people of Hawaii, I would be very glad to reintroduce my Senate bill 2003 in January 1955, and in the meantime if your people have any specific suggestions for improvement in the bill, I will be very glad to receive them.

With best wishes, I am,

Sincerely yours,

GEORGE W. MALONE,
United States Senator.

Mr. MALONE. Mr. President, statehood for Puerto Rico, Hawaii, and Alaska has been proposed for many years. Few citizens have considered the full import of the precedent of admitting to statehood with full voting privileges in the United States Senate and House of Representatives of the offshore noncontiguous areas.

Mr. President, I was 1 of 5 Senators who reported on Puerto Rico's applicatio for statehood in 1947 after full investigation of that Territory. Our report was adverse for statehood, and favorable to a self-governing area electing its governor and adopting its own constitution, approved by the Congress of the United States.

This was done, and Puerto Ricans have experienced satisfaction with their own self-government.

The position has long been maintained that offshore noncontiguous areas should not be accepted as States, with Senators and Congressmen in the Congress of

the United States, since there is no opportunity for a homogeneous people; and that if one offshore State is accepted then there is no stopping place, and the Senate and the Congress could be controlled through the balance of power furnished by such offshore areas.

I intend to reintroduce my Senate bill, S. 2003, in January 1955, providing for the election of a governor and for the adoption of a constitution, approved by the Congress of the United States, by the people of the Territory of Hawaii; and I hope that it will be adopted without undue delay.

The CONGRESSIONAL RECORD, volume 99, part 4, page 5635, contains my statement and a copy of my bill, S. 2003, already described.

The late Senator Hugh Butler, the former chairman of the Committee on Interior and Insular Affairs, introduced a similar bill for the Territory of Alaska. It should be reintroduced early in the 84th session of Congress.

CRITICAL MATERIALS—MICA

Mr. President, a recent dispatch in the Wall Street Journal of May 5, 1954, is concrete evidence of the complete lack of perception and understanding of the continual progress through laboratory research and experiments and through inventions, by the so-called experts advancing the doctrine that we are a "have not" nation.

The report of the Minerals, Materials, and Fuels Economics Subcommittee of the Committee on Interior and Insular Affairs submitted, as Senate Report 1627, on July 9, 1954, said of mica as a critical material:

Western Hemisphere: Self-sufficiency can be attained through expansion of reconstituted and synthetic expansion.

Mr. President, I ask unanimous consent that the dispatch from the Wall Street Journal be printed in the RECORD at this point as a part of my remarks.

There being no objection, the dispatch was ordered to be printed in the RECORD, as follows:

NEW JERSEY FIRM TO PRODUCE SYNTHETIC FORM OF MICA TO COMPETE WITH FOREIGN SUPPLY

(By Richard P. Cooke)

NEW YORK.—Mica, a strategic material without which the electrical and electronic industries would find it hard to function, is soon to be produced synthetically for the first time on a commercial scale.

The manufacturer will be Mycalex Corporation of America, of Clifton, N. J., which has been cooperating for several years with five Government agencies—the Bureau of Mines, Bureau of Ships, Office of Naval Research, National Bureau of Standards, and the Army Signal Corps—on a pilot operation. By the end of this year the new facility should be turning out high-grade mica, a superinsulator vital to the manufacture of such products as vacuum tubes.

Today the United States is dependent on India for most of its electrical quality mica. There's a considerable output in Brazil, too, but this mica isn't of as high quality as the Indian product. Much low-grade mica is produced in the United States for such nonelectrical uses as roofing paint and chicken feed. But this country produces only about 5 percent of the high-quality mica used. All told, more than 10,000 tons of mica, worth about $20 million, is imported annually.

Like most new synthetics, synthetic mica is going to cost more at first than natural mica, which has a wide price range—from as little as 3 cents a pound for the low grade used in paint to several dollars a pound for large crystals. Superlarge crystals command much higher prices, but most grades of electrical mica range from 15 cents to $1 a pound.

Jerome Taishoff, president of Mycalex Corp., is confident that with the achievement of substantial volume (nearly 200,000 pounds already has been produced at the pilot plant at the Bureau of Mines Electrotechnical Laboratory at Norris, Tenn.), prices will come down to a range comparable with natural mica.

SYNTHETICS BETTER

Synthetic mica has a big advantage to start with. It is chemically pure and considerably more efficient as an insulator, particularly at high temperatures, than natural mica. This is an important quality, since the efficiency of many types of electrical equipment, including electric motors, triples when the operating temperature doubles. This is the sort of thing synthetic mica can do best.

So far, synthetic mica has been made only in small crystals. The Mycalex technical staff believes that in 1 or 2 years the problems of making larger crystals can be solved. Much sharper images on TV, for example, can be obtained by using large crystals of synthetic mica. Sylvania Electric Products, Inc., important manufacturer of vacuum tubes, is already purchasing most of the larger synthetic mica crystals (although these are quite small) being made. And Mycalex Corp. is cooperating with Rutgers University in further improving the already high qualities of synthetic mica.

Mr. Taishoff believes it won't be too long before synthetic mica plants can free this country from dependence on India, whose supply of the material might be shut off in case of war. The raw materials for the synthetic product are readily available in this country: Magnesium, silicon, aluminum, and fluorine. The trick is to melt these ingredients together electrically and then cool them slowly under perfect control. Even the slightest vibration will be harmful.

GLASS-BONDED MICA

Although the big crystals are needed for TV camera tubes, a leading form of mica insulation is in what is called glass-bonded mica, a combination of high-quality glass and powdered mica. Mycalex Corp. is owner of the registered trade-mark name "Mycalex" for the glass-bonded product. General Electric Co. and Westinghouse Electric also make glass-bonded mica with the names "G-E Mycalex" and "Insanol," respectively. But Mycalex Corp. considers itself the leader in the field.

Glass-bonded mica has a big range of important uses, from improving the safety of airplanes to improving transmission in the growing field of microwave.

The aircraft application highlights the qualities of this tough material. A couple of Boeing Airplane Co. engineers, Thomas J. Martin and Raymond L. Hauter, after 3 years' research found that glass-bonded mica was about the only safe material to use in the fuse box (called a "current limiter" in technical parlance) in an airplane, an installation similar to the one in home cellars where a fuse may blow if there is a short circuit. Only in a plane, where the current is much more powerful than in homes, a blown fuse may result in a hot arc of electrical flame, causing the block on which it is mounted to catch fire or to become a conductor instead of an insulator. Mycalex was the material used by the Boeing men in this test.

As a result of these tests, it now seems likely that Mycalex will replace other types of insulation in key spots in aircraft where fires could result through short-circuiting of overheating.

In the microwave field, the company soon will offer commercially a series of "microstrip" components using a thin layer of silver paste on a Mycalex backing to replace much bulkier apparatus now used for the directional "beaming" of radio waves. The microstrip, developed by Federal Telecommunications Laboratories of International Telephone & Telegraph Co., must be baked at high heat to make the silver paste stick, and glass-bonded mica has been found able to withstand this heat. A 5-pound microstrip can replace a complex machine-made metal apparatus weighing 32 pounds, it has been found by Mycalex engineers.

ATOMIC ENERGY GUIDED MISSILES

Glass-bonded mica also is finding increasing uses in atomic energy installations. Wires which must pass through nuclear barriers (insulating walls against radiation) require connectors which can withstand radiation which would destroy certain other types.

Glass-bonded mica is a leading material for miniature vacuum tube sockets, and although Mycalex generally is more expensive than competing materials, such substantial volume has been attained in this type of product that Mycalex prices are about in line with those of the sockets made from cheaper ingredients.

Still another important application of the substance is in telemetering, which means the automatic transmission of messages from guided missiles, remote stations in oil fields or flood control areas unattended by human operators. In this type of installation, the utmost precaution against fires or breakdown due to overheating must be taken, and glass-bonded material has proved the best, Mycalex engineers claim.

Mr. MALONE. Mr. President, there is no question, according to the evidence before the Minerals, Materials, and Fuels Economic Subcommittee, during the investigation under Senate Resolution 143, to determine the accessibility of the critical materials in time of war, for our expanding economy and for our security, that the Western Hemisphere is the only dependable supply of such materials in the event of world war III, and that it can be made self-sufficient in its production considering substitutes and replacements.

The noted progress in the case of synthetic mica is a case in point.

Mr. President, I yield the floor.

SOCIAL SECURITY AMENDMENTS OF 1954—AMENDMENT

Mr. JOHNSTON of South Carolina submitted an amendment intended to be proposed by him to the bill (H. R. 9366) to amend the Social Security Act and the Internal Revenue Code so as to extend coverage under the old-age and survivors insurance program, increase the benefits payable thereunder, preserve the insurance rights of disabled individuals, and increase the amount of earnings permitted without loss of benefits, and for other purposes, which was ordered to lie on the table and to be printed.

Mr. HUMPHREY submitted amendments intended to be proposed by him to House bill 9366, supra, which were ordered to lie on the table and to be printed.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. CARLSON, from the Committee on Post Office and Civil Service:

E. George Siedle, of Pennsylvania, to be an Assistant Postmaster General, vice John C. Allen, resigned.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECESS

Mr. KNOWLAND. Mr. President, pursuant to the prior order of the Senate, I move that the Senate now stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 10 o'clock and 2 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until Friday, August 13, 1954, at 10 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate August 12 (legislative day of August 5), 1954:

DEPARTMENT OF THE NAVY

William Birrell Franke, of New York, to be an Assistant Secretary of the Navy.

POSTMASTERS

The following-named persons to be postmasters:

ALABAMA

Prince W. Cofield, Bexar, Ala., in place of Pearce Goggans, retired.

John T. Knight, Hayneville, Ala., in place of R. R. Hairston, retired.

ARKANSAS

Louie C. Horn, Searcy, Ark., in place of G. O. Yingling, retired.

CALIFORNIA

Charles C. Clark, Fullerton, Calif., in place of F. D. Lowrey, removed.

Emma M. Fernald, Julian, Calif., in place of E. C. McGowan, retired.

CONNECTICUT

Edward J. Butner, Sr., Westport, Conn., in place of Edward McElwee, deceased.

DELAWARE

Howard W. Dill, Harrington, Del., in place of C. F. Wilson, retired.

GEORGIA

Thomas Adamson 3d, Cedartown, Ga., in place of C. R. Brumby, retired.

ILLINOIS

Ray C. Rogers, Bonnie, Ill., in place of O. I. Hicks, transferred.

Vernon W. Dickey, Marissa, Ill., in place of C. G. Sinn, resigned.

Earl J. Thompson, O'Fallon, Ill., in place of J. L. Anheuser, resigned.

Owen W. Morell, Shobonier, Ill., in place of F. E. Donaldson, retired.

James W. O'Brien, Thayer, Ill., in place of Jennie Puma, retired.

INDIANA

Fred V. Hayden, Lowell, Ind., in place of H. A. Loyce, transferred.

Lloyd D. Spann, Madison, Ind., in place of Stella Cisco, retired.

Joseph S. Dean, Napoleon, Ind., in place of E. A. Behlmer, retired.

Robert Craig Dillon, New Augusta, Ind., in place of R. A. Shaw, removed.

IOWA

Ray L. Haefner, Arthur, Iowa, in place of A. C. Watts, retired.

KANSAS

Wayne E. Richards, Arkansas City, Kans., in place of C. T. Hills, deceased.

KENTUCKY

Paul D. Fowler, Saint Mary, Ky., in place of W. R. Logsdon, retired.

LOUISIANA

Leo S. Behrens, Madisonville, La., in place of J. H. Scheppf, retired.

MAINE

Leo T. Spain, Houlton, Maine, in place of M. E. Peabody, retired.

MARYLAND

James W. Scott, La Plata, Md., in place of B. H. Barnes, deceased.

MICHIGAN

Calvin C. Oke, Richmond, Mich., in place of J. W. Winkel, retired.

Almon Schoch, Romeo, Mich., in place of J. L. Lucas, retired.

Harold J. Hawkins, Wayland, Mich., in place of M. R. Ehle, removed.

MINNESOTA

Erling M. Wollan, Glenwood, Minn., in place of C. C. O'Donnel, resigned.

MISSISSIPPI

John H. Magee, Magee, Miss., in place of J. B. Vinson, retired.

Virginia M. Hatcher, Scott, Miss., in place of E. B. Comegys, retired.

Keith D. Davis, Terry, Miss., in place of A. F. Fleck, retired.

MISSOURI

Allen B. Cooper, Charleston, Mo., in place of T. W. Gwaltney, retired.

Cyrenius J. Jones, Jonesburg, Mo., in place of J. B. Diggs, resigned.

MONTANA

Olga Strand, Reserve, Mont., in place of E. K. Riley, retired.

Alma E. Fischer, Somers, Mont., in place of Ralph Drew, deceased.

NEW HAMPSHIRE

Jessie G. Thompson, Moultonboro, N. H., in place of R. E. Goodwin, retired.

John W. Crawford, Tilton, N. H., in place of F. M. Boynton, retired.

NEW JERSEY

Harry C. Lake, Hampton, N. J., in place of K. A. Butler, retired.

Agnes V. Huenke, Thorofare, N. J., in place of M. E. Lyster, retired.

John Dawson, Trenton, N. J., in place of J. L. Malley, deceased.

NEW MEXICO

Hugh P. Cooper, Albuquerque, N. Mex., in place of J. A. Werner, removed.

NEW YORK

Peter Hillen, Jr., Amityville, N. Y., in place of T. L. Wardle, deceased.

Howard W. Wheeler, Kinderhook, N. Y., in place of C. M. Magee, retired.

Louis B. Cartwright, Rochester, N. Y., in place of D. A. Dailey, resigned.

Donald M. Tobey, Victor, N. Y., in place of F. B. Mead, retired.

NORTH CAROLINA

Lyle B. Cook, Boone, N. C., in place of J. E. Brown, Jr., removed.

Numa D. Redmon, Jr., Leaksville, N. C., in place of W. W. Hampton, retired.

NORTH DAKOTA

John B. Williams, Barney, N. Dak., in place of R. A. Halvorson, resigned.

OHIO

Smith B. Applegarth, Barton, Ohio, in place of M. I. Timko, resigned.

Lewis J. Dye, Bergholz, Ohio, in place of M. N. Morrow, retired.

Homer H. Goltzene, Defiance, Ohio, in place of E. L. Partee, deceased.

OKLAHOMA

Carson Scott, Okmulgee, Okla., in place of H. B. Torbett, removed.

Joseph T. Courts, Quinton, Okla., in place of F. R. Hendrickson, retired.

OREGON

Mary J. Rugg, Pilot Rock, Oreg., in place of F. L. Hartmen, retired.

Lola N. Steagall, Seneca, Oreg., in place of B. I. Denson, resigned.

Nellie A. Bembry, Sisters, Oreg., in place of S. J. May, resigned.

PENNSYLVANIA

Harry H. Birney, Athens, Pa., in place of S. J. Morley, retired.

Americo P. Campagna, Lilly, Pa., in place of A. B. Kearney, deceased.

Robert Howard McFarland, Jr., Oaks, Pa., place of L. I. Brower, retired.

SOUTH CAROLINA

Clara C. Drake, Blenheim, S. C., in place of J. B. Ayers, removed.

SOUTH DAKOTA

Percy C. Heinzen, Frederick, S. Dak., in place of A. H. Hoffman, transferred.

Ranald A. Bishop, Hurley, S. Dak., in place of S. P. Hutchinson, resigned.

TENNESSEE

William T. Starbuck, Hohenwald, Tenn., in place of J. H. Warf, removed.

TEXAS

Charles A. Joplin, Littlefield, Tex., in place of W. D. T. Storey, retired.

Evelyn Neale Walker, Robstown, Texas, in place of R. B. Horney, resigned.

VERMONT

Francis A. Bolles, Bellows Falls, Vt., in place of T. J. Fitzgerald, retired.

WASHINGTON

Joseph E. Shannon, Dash Point, Wash., in place of C. P. Steele, resigned.

Dean M. Corliss, Port Orchard, Wash., in place of R. J. Caretti, resigned.

WEST VIRGINIA

Adrian Fray Lilly, Beckley, W. Va., in place of J. T. Hollandsworth, Jr., retired.

Obie H. Young, Dunbar, W. Va., in place of F. C. Ellis, retired.

Frank J. Ailiff, Fort Gay, W. Va., in place of V. D. Sorensen, resigned.

Leland S. Griffith, Jr., Hurricane, W. Va., in place of G. C. Sowards, retired.

Harry O. Rogers, Keyser, W. Va., in place of T. F. Ward, deceased.

Victoria B. Lindamood, Omar, W. Va., in place of P. D. Young, removed.

WISCONSIN

Arnold L. Peters, Marinette, Wis., in place of W. F. Coffey, resigned.

Lawrence T. Hoyt, Rosendale, Wis., in place of A. O. Randall, deceased.

Maurice W. Schaefer, Sauk City, Wis., in place of A. E. Von Wald, retired.

Irene Peterson, Wilson, Wis., in place of L. J. Mulvaney, deceased.

Albert O. Olson, Woodville, Wis., in place of J. G. Behm, retired.